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No. CCLII.

JULY, 1876.

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North American Review.

JANUARY, 1876.

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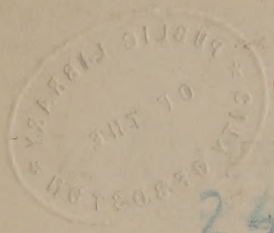

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NOTICE.

The Editors beg leave to state that they cannot return rejected communications, unless all expenses are prepaid; and to this rule they can make no exception.

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PUBLISHERS' NOTICE.

The editors of the "North American Review" having retired from its management on account of a difference of opinion with the proprietors as to the political character of this number, the proprietors, rather than cause an indefinite delay in publication, have allowed the number to retain the form which had been given to it, without, however, committing the Review to the opinions expressed therein.

JAMES R. OSGOOD & CO.

Boston, October, 1876.

NORTH AMERICAN REVIEW.

No. CCLII.

JULY, 1876.

Art. I. — The Proposed Charter for the City of Boston.

A century of almost uninterrupted prosperity, at least in the Northern States, has tempted our people to believe that we are exempted from the vicissitudes which have fallen upon other nations. That during this century there has been realized in the United States an average condition of human well-being, both moral and physical, equal if not superior to anything heretofore known in the world, is a proposition which will, we suppose, be hardly called in question. It would be an endless, and perhaps profitless subject of discussion, whether this is owing to the institutions under which we have the happiness to live, or to the circumstance of our lot being cast in the midst of abundant natural resources, made available by a population of high intelligence, at once possessed of all the appliances of modern civilization, and freed from the social trammels which oppress a large majority of the inhabitants of older and more crowded communities. But even if we assume the truth of the former alternative, it is evident that with the increasing complexity of our national life, these institutions must be subject to constantly greater strain. Attention has of late been much directed to the debates of the Convention which framed our national Constitution, and the inquiry has strikingly developed the doubt, uncertainty, and distrust with which the builders launched the fabric which they had constructed.

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There can be no higher interest for the present generation than to investigate the results of their labors, and no higher duty than to strive for such amendment or perfection of the machinery as will enable it to bear the burden of the next hundred years.

Perhaps the most prominent feeling in the Convention of 1787 was the dread of centralized executive power. There was a determination to render it impossible for any one man to get control of the government, and the expedient adopted was to place preponderant power in the hands of the representatives of the people assembled in Congress. There was indeed a theory that the three branches of the government should be independent and co-equal, and an elaborate system of checks was provided, with a view of keeping each department in its place. But the members of the Convention did not sufficiently appreciate the fact * (for the French Revolution had not yet cast its dismal light upon the subject), that legislative ambition may be quite as grasping and as dangerous as executive, and that the law-making power is by far the most potent instrument for gratifying that passion. Still less do they appear to have given weight to the consideration that the safeguard against ambition is not in the deprivation of power, but in the enforcement of responsibility, that in parcelling out power among a large number of individuals there is sure to result, first, uncertainty and inefficiency of administration; second, the impossibility, in case of failure or mal-administration, of finding out definitely and in time who is to blame; and, thirdly, a facility for corrupt combination, with little danger of exposure, or, at all events, of punishment.

* There are certainly some exceptions to be made. In the session of the convention, held on the 17th July, Mr. Madison said: "Experience had proved a tendency in our government to throw all power into the legislative vortex. The executives of the States are little more than ciphers, the legislatures omnipotent. If no effectual check be devised for restraining the instability and encroachments of the latter, a revolution of some kind or other would be inevitable." On the 21st of July, on the question of associating the executive and the judiciary in the revisionary power, he saw no danger in this. "It was much more to be apprehended that, notwithstanding the co-operation of the two departments, the legislature would still be an overmatch for them."

Gouverneur Morris "concurred in thinking the public liberty in greater danger from legislative usurpations than from any other source."

To these two principles may be traced, as we conceive, the growth of the evils and dangers which are most threatening under our government. Congress has tended steadily to absorb the powers of the other two branches, while in the confusion thus arising responsibility has been constantly decreasing. The first step was to exclude the executive and its officers from all direct communication with the people. In other words, the only authority elected by the whole nation was cut off from direct appeal to its constituents, and was confined to messages and reports furnished to Congress. Next followed, almost of necessity, from the equal claim to attention of every proposal of every member, the reference of all business to standing committees; and, after compromises and adjustments, based on the interests of members and the requirements of the lobby, the forcing of measures through the Houses by a party majority without effective debate, and a complete suppression of all individuality. The means of judging both as to men and measures being thus carefully screened from the public eye, there was a failure of material for influencing the elections. The next and obvious expedient was to employ the government patronage through the medium of the caucus. The memory of Andrew Jackson has been blasted by the introduction of the spoils system. The fact is, that it was a necessity of the case, and it was merely a matter of accident under what administration it broke forth. Thenceforward election to the Presidential chair bound the candidate to a distribution of offices among his Congressional supporters. If in time of war a successful general won his way to public notice, and to election by the national voice, he had no sooner taken his seat than he was made to feel his dependence upon the party majority. The responsibility of the President is not to the people, but to Congress. Not less marked is the increasing dependence of the judiciary. Congress has power to pass any acts, constitutional or unconstitutional, without any legal control, until some private interest brings a case before the Supreme Court. But the Court has no remedial power, and an adverse decision is quite as likely to damage its own *prestige* as that of Congress. Before civil service or any other reform can be effected, it needs to be seen that the work must

be done, not *through*, but *against* Congress, and that the only resort is to restore the executive to a position of independence and responsibility.

Notwithstanding all this, however, it is certainly true that the Convention of 1787 did, to some extent, feel the importance of providing each branch of the government with the means of defence against the encroachments of the others, and the difficulty of passing amendments to the Constitution has, at least in theory, preserved these defences. The judiciary is still appointed for life or good behavior, and the nomination to the federal offices is still in the hands of the President. We must turn to the States to see how completely these barriers have, by legislative usurpation, been swept away. That the executive, the elect of the whole State, has in no instance any medium of communication with his constituents, except through the legislature, is, as has been stated, only a repetition of the encroachment of the latter branch upon the former under the Federal Government. But another, and even more dangerous one, is the subjection of subordinate executive offices, and even of the judiciary, to popular election. The interest of the people of a State in its government may be said to rest upon two principles: first, energy, efficiency, and purity of administration; and, secondly, personal responsibility, swift and certain, for any failures of administration, whether of omission or commission. That the system of multiplied elections is fatal to exactly these two principles, needs hardly to be demonstrated. Unity of the executive, therefore, the appointment by the governor of all his subordinates, and, as a consequence, direct and concentrated responsibility for results in all departments, — these are manifestly the interest of the people of the States. But these are not the interest of the politicians of the legislatures. If the subject in hand were the analysis of State politics, it would be easy to show that by the system of doing business in standing committees, by the party use of majorities and minorities, without effective debate or leadership, and by the confusion of legislative and executive powers, all individuality is destroyed. No man can hope to win for himself advancement by talent, integrity, and devotion to the public

service. Election to the legislature is not dependent upon these qualities, but upon successful manipulation of the primary meetings, and the enforcement of their decisions upon the electors. In the absence of personal responsibility for public acts, the only method available is the control of offices. The aim of the politicians, therefore, is to reduce every possible office to popular election, and then to use these offices in the purchase of votes. In most of the States this has been carried so far as to make the judges elective, thus reducing not only the executive but the judiciary under the control of the legislature; and if Massachusetts has thus far escaped this innovation, the prediction is not very rash, that its introduction is only a question of time. If Massachusetts, however, is in this respect behind her sister States, she can claim the honor of developing the principle to its fullest extent in another direction. Not only is the executive cut off from all direct communication with his constituents, not only has he no voice beyond that of any outside lobbyist in the direction of legislation, being merely the blind instrument of executing the mandates of the Legislature; he is surrounded in addition with an elective council, without whose concurrence he can hardly move a step in any direction. The contest for the governorship is therefore limited to men who are content to receive the salary and be addressed by the title of His Excellency. And yet we wonder that the people cannot be persuaded to take any interest in the elections! Again, the State as a whole is not represented in the Legislature. Every man who can raise his voice in debate is elected by a locality, is bound to look out for that locality, and is only too willing to overlook other local jobs, provided his own are not too carefully scrutinized. But besides this state of things, which Massachusetts again shares with other States, our governor, who is elected by the whole State, is surrounded and controlled by a locally elected council. And yet we complain of the prevalence of special over general legislation! And as the system would not be complete without including a bitter sarcasm upon itself, that element is provided in the veto-power, by which, under the pretext of controlling legislation, the governor is obliged to accept laws which he thoroughly disapproves at the risk of

bringing the machinery of government to a stand. What would be thought of the superintendent of a railway, who had no powers in running the road beyond the acceptance or rejection in advance of rules submitted by a committee of stockholders, composed, moreover, of delegates from the towns along the line; of the captain of a ship, who could only sail his vessel upon rules prepared without his intervention by a committee of merchants; of the general of an army whose plans of campaign must be dictated by a committee of civilians, subject only to his simple acceptance or rejection? It is often remarked that the use of the veto-power by the crown in Great Britain has fallen wholly into disuse. This is not at all because that power has ceased to exist, but because, in accordance with the usual elasticity of the English Constitution, it has found its place where it properly belongs, in the hands of the legislature. It is the function of the executive, which is responsible for the government of the country, to submit plans for doing the work. It is the part of the legislature, holding the power of the purse, to examine and criticise those plans, and finally to accept or reject them. Both branches having thus, in the independent exercise of their respective functions, taken their positions, it remains for the people, under a free government, to give their decision. Whether this idea of a polity be founded in justice or not, it is certainly very far removed from anything which prevails among us.

The real difficulty in our politics, State and National, underlying all special questions, is this, that we are attempting to arrive at reform through the legislatures, the very bodies which from their constitution are fundamentally opposed to all reform.* In the words of Mr. Bagehot, which can never be too often repeated: "A legislative chamber is greedy and covetous; it acquires as much, it concedes as little, as possible. The passions of its members are its rulers; the law-making faculty, the most comprehensive of the imperial faculties, is its instrument; it will *take* the administration, if it can take

* It is not merely setting a thief to catch a thief; we are trying to set a thief to catch himself.

it." We in the United States may add this brief but pungent commentary: It *has* taken it. The present is a time of constitutional conventions through the States, and there is a curious uniformity in the results of their deliberations. They prescribe certain things which the legislature shall, and others which it shall not do; but they do not seem to touch the principle. How they propose to make the legislature do one thing and refrain from doing another is not apparent, especially with an elective judiciary. Whether any remedy is possible short of the final and violent one which is the logical result, may be open to question; but we are sure that any remedy to be effective must involve a new party issue, having for its object the re-establishment of an independent and responsible executive, with the remanding of the legislature to its proper function of critics with the power of the purse.

It may be asked, What has all this to do with the government of the city of Boston? Much, as we trust will presently appear. The area of the United States is too large as yet, and the population too diversified, as well as on the average too intelligent, for organized corruption; and the same is, to a certain extent, true of the States. An English writer has paid us the compliment to say, "The people of Massachusetts could live under any constitution." It is in municipal affairs that the defects of organization, being precisely the same in character as in the larger bodies, threaten first to make themselves intolerable. Only a mere allusion is necessary to the operations conducted in New York by the gang of which William M. Tweed was the typical leader, and which have fastened a load of debt upon generations to come, for which hardly a nominal consideration has been received. The great and renewed efforts of public-spirited citizens, since 1867, have undoubtedly produced some amendment of details, but it may be questioned whether the improvement, on the whole, has not been more apparent than real. The bitter complaints which at present are directed against the police department, and the quarrelling and recrimination among the officials generally, by no means afford evidence of a stable, responsible, and equitable system of government. If the rumors which come to us from Phila-

delphia afford any means of judging, the state of things there is only a degree less objectionable. In Boston, the character of the electors has thus far afforded protection against gross and unblushing corruption.* But evidence of inefficiency now and then crops out, of a startling character. On the night of November 9, 1873, the great fire broke out. It was a calm, clear evening, with no wind, except the draft created by the flames, curiously illustrated by the fact that the progress of the fire was directly against the prevailing course of the wind. It began at half past seven in the evening, when the streets were full of people, and there could be no pretence of surprise. Yet, within twenty-four hours, property was destroyed to the reported amount of seventy millions of dollars. An immense volume was published, containing the evidence furnished before a committee of investigation. But a much more succinct explanation can be found in the "Municipal Register" for that year. In it we find that the Fire Department consisted of a Chief Engineer, elected by concurrent vote of the City Council, and of fourteen Assistant Engineers, chosen independently in like manner, over whom the Chief had a nominal, but, of course, no real control. We find, further, that the substantial control of everything connected with the Department was in the hands of a joint committee of three Aldermen and two members of the Common Council, the reports of which committee formed the only basis of action of the whole Council. Any requirements of the Fire Department, therefore, involved a process of private negotiation with this committee, practically the same as that known among outsiders as "lobbying." † Meantime the Mayor, the nominal executive head of the city, had no more to do with the whole business than any idle busybody among the citizens who should see fit to thrust his advice upon the Committee of Council. We can offer no more perfect example of the absorption of executive power by the Legisla-

* Indeed we doubt whether, in any country or community in the world, corresponding opportunities and temptations being given, there could be found a body of men purer, more hard-working, or more public-spirited, as a whole, than the City Council of Boston.

† If private reports — the only mode of information available to the public — can be trusted, Mr. Damrell had carried on this process to his eminent personal advantage.

ture, nor of the complete failure of that responsibility which is the first element of successful administration. But this is not the whole story. The efficiency of the Fire Department must, of course, depend largely on the state of the water-supply, and again, though in a less degree, upon the efficiency of the Police. It was charged that the supply of water was wholly insufficient, the pipes being too small. That the two departments did not, and could not, co-operate effectively will be readily believed if we look at the status of the water authorities. First, there was a Joint Standing Committee of the City Council appointed by the Mayor, consisting of three Aldermen and five from the Common Council, of whom one only from each branch was also on the Fire Committee. Then there was a Water Board, chosen by concurrent vote of the City Council, and composed of one Alderman, three Councilmen, and five members at large. Again, there was a City Engineer, chosen by concurrent vote of the City Council, with an Assistant appointed by himself, and two Superintendents of Divisions appointed by the Cochituate Water Board. To this medley of authorities, deriving their power from different sources, and wholly irresponsible to each other, or indeed to anybody, was intrusted the vital element upon which the Fire Department, itself equally disorganized, isolated, and irresponsible, was relying for the protection of the city. Complaints were also made of the Police, as indeed everybody complained of everybody else, the shifting of responsibility being as dexterous as that of the pea in thimble-rigging. But if the Police was, or is efficient, it is certainly entitled to the highest praise, in view of the adverse circumstances with which it has to contend. The officers are appointed separately by the Mayor, and confirmed by the Aldermen, and are all under control of the Chief, *subject* to the directions of the Mayor *and* the Police Committee. Now as the Mayor and the Committee, from the nature of their election, may, and very likely do, have quite different objects, and as, moreover, there is a distinct committee of the Council, as well as of the Aldermen, which is none the less likely to assert itself that it is nominally subordinate to the other two authorities, the Chief of Police is hardly an independent, or can be expected to be an energetic officer. His anxieties are likely to

regard much less what he shall do than what he shall not do. And so it goes on through every branch of the city government. There are all sorts of heterogeneous and conflicting authorities, resulting in a total disappearance of responsibility, the most essential element of a free, or indeed of any, successful government. All power in the end reverts to the legislative branch, but is so parcelled out through committees that it is impossible to find anybody who is independently responsible for anything. Even in the case of authorities appointed by the Mayor, the result is the same. The Board of Health consists of three physicians thus appointed; but not only must they be confirmed by the Council, — a topic on which we shall presently have a word to say, — they are further matched with a Joint Standing Committee of two Aldermen and three Councilmen, to whom all their applications must be addressed, not publicly, but in private, and without whose concurrence they cannot get a penny of money.

If all power is appropriated by the Legislature, of course none can remain for the executive, and this is the practical result with the Mayor. He can appoint and remove certain officers, but the requirement of confirmation by the Council for the former power is a pretty effectual check upon the latter. And here his power ends, all his appointees falling at once, as in the case of the Board of Health, under the dominion of the Standing Committees, backed by the Council. We have remarked upon the absurdity of the naked veto-power in the hands of an executive officer, and certainly it is nowhere greater than in the case of the Mayor. He may perhaps prevent, at any particular moment, any gross act of illegality by the Council, but he can do nothing by it to promote good government when all other powers are taken away. Those who know how city affairs are carried on, doubtless exonerated Mayor Gaston from blame at the time of the fire; but the mass of the citizens probably regarded him as connected with a disaster for which he was no more responsible than an infant in arms. We know of no more delicate piece of irony than Section 46 of the existing Charter, prescribing the duty of the Mayor "to be vigilant and active at all times in causing the laws for the government of said city to be duly executed and put in force; to inspect the

conduct of subordinate officers in the government thereof, and, *as far as may be in his power*, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished."

It has been said that the whole character of a government may be found in its financial administration, because this department covers all others. Nowhere do the confusion of authorities, and the consequent absence of responsibility in the government of Boston, manifest themselves more perfectly than in its finances. It is the duty of the Auditor to prepare annually a statement of estimates of expenditure, and, after deducting the revenue from the various items of city property, to arrive at the amount to be raised by taxation. A part of the estimates he makes himself; but most of them are received from the boards and committees having charge of the various departments. Each of these bodies naturally wants all it can get, and has little or no interest in the other departments, or the sources of revenue. The Auditor has no interest or power to enter into a contest of economy, and the duty of raising money does not devolve upon him. From the Auditor the estimates pass to a Committee on Finance, consisting of seven Councilmen, with the Mayor and Chairman of the Board of Aldermen, and are reported to the Common Council, without any effective comparison with the sources of revenue, and taxation is voted in a lump. How the Assessors perform their duty can be judged from the groans of real-estate owners at the present time of depression, and the appeals to the Legislature to stop the increasing flight of personal property from the city. The year 1875 would seem to have been one in which rigid economy was important. Yet on an amount of nine millions and a half to be raised the Finance Committee could only propose one reduction of $15,000, while they recommended an addition of $52,000.* It may be said, and perhaps with truth, that the Committee did examine all the items with care, and the character of the gentlemen comprising it offers a certain guaranty against extravagance; but we maintain that there was no effec-

* It is not surprising, therefore, that the late City Treasurer, Mr. Tracy, should have expressed his belief that not a single estate in Boston would sell for the amount on which it was taxed.

tive *public* discussion of the budget, as a whole, in the interest of the tax-payer, and under the direct pressure of personal responsibility. The same system of finance weighs upon every city and town in the State; and the outcry of the tax-payers induced the last Legislature to pass an act limiting municipal indebtedness, which is so far good, but is likely, unless the system of expenditure is reformed, to increase rather than diminish the present suffering of the tax-payer. The direction of that reform we shall endeavor presently to indicate. We are tempted to show further how the present system of government works in relation to the schools, but the limit of space warns us to forbear.

Under an order of the City Council of October 31, 1873, a Commission was appointed by the Mayor for the purpose of revising the city charter. And here the first difficulty arose. The work was ordered by the City Council, and must be submitted for their approval. If the real evil to be overcome is, as we assume, the absorption of executive powers by the legislative branch, it is absurd on the face to expect that this branch will accept a scheme for correcting it. A wish has been expressed that a public petition should be got up, which should overleap the Council and ask the State Legislature to put the new charter in force. But besides that the Legislature is a body too much the same in character as the City Council, the instrument is not suited for such a course. It may be described as an elaborate attempt to restore executive power and at the same time so far to conceal and compromise the object as to admit of its passing the Council. The attempt was so far successful that the object is pretty well concealed from everybody else. It is too complex to excite either conviction or enthusiasm. In an assembly of gentlemen, perhaps a hundred, met to discuss it last winter, not one had any definite criticism to offer of the work, as a whole, or appeared to have any definite idea of its scope. If a real reform charter is ever passed, a few men must, either of their own motion or as deputies of some independent body, agree upon a few simple and general principles, readily intelligible and explicable. For these must be secured the support of a number of leading citizens, to be followed by a series of mass

meetings, to awaken and secure popular interest and support. Then would be the opportunity for monster petitions to the Legislature.

If we understand correctly the provisions of the proposed charter, they may be summed up in four leading points, as follows: —

1. Lengthened terms of office for the Mayor, the Aldermen, and Common Council.

2. Partial renewals each year of the two bodies last named, and also of all boards consisting of more than one person.

3. Appointment by the Mayor, with confirmation by the Council, of all executive officials, except the School Committee, in place of election, either popular or by the Council.

4. The executive government of the city by boards or commissions placed over the several departments.

1. The first point does not seem to be of vital importance. The object appears to be in part to get rid of the nuisance and labor of annual elections, and in part to give officials time to be fully acquainted with their duties. As to the former, it may be replied, that if these elections were simplified and purified as they ought to be, they would be less of a burden, and only such a price as free citizens ought to be willing to pay. In the second place, the rule would work both ways. If it made a good man more efficient, it would do just as much in furnishing opportunities for evil to a bad man. The great difficulty at present seems to be the failure to enforce responsibility. If there is to be a greater definition and concentration of power, frequent elections form one of the greatest safeguards against its abuse.

2. Partial renewals are also a matter of minor importance, but there is the same objection of diminishing responsibility. In elective bodies, like the Aldermen and Common Council, it is doubtless some advantage that a change of policy should take place gradually; yet there may be cases, such as a conflict between the Legislature and the executive (if the latter should ever become independent enough to make such a supposition possible), when it is of great importance that the expression of the popular will should be both prompt and energetic. But as to executive positions there can be scarcely

a doubt. If the Mayor is to be in any way responsible for the appointments, he should have entire control of them. Suppose a Mayor elected for three years, with a board of three persons, renewable one each year. Only in the last year could he be justly held to any responsibility for their action. It is, in short, one of those expedients of which we are so fond, for distributing power, the consideration being overlooked, that while we do not thereby perceptibly diminish the sum total of power, we do very seriously diminish the total of responsibility.

3. We have no doubt that appointment of all executive officers by the Mayor offers infinite advantage over their election, no matter by whom. In fact, the whole reform, contained in sixty-five pages of the document submitted, might perhaps have been expressed in half a dozen lines, "that such and such officers should be appointed by the Mayor." But here at once the grand obstacle presents itself. The work was ordered by the Council, was to be reported to the Council, to be passed upon by it. It was perfectly certain, however, that the Council would not listen to any such proposal stated nakedly, and the rather transparent attempt was therefore made to conceal it under a cloud of definitions of powers and duties, mingled with some other much less important provisions.

4. The method of government by Commissions, which bids fair to become a party question, is really not new, nor as much a feature of the new charter as the substitution of appointment for election. The Board of Assessors is changed only in the latter respect, which is the case also with the Water Board, while the Board of Health, and also the Fire Department, remain unaltered. The only change, pure and simple, in this direction, affects the Police Department, which is altered only by the introduction of three commissioners. The abolition of the School Committee, or its appointment instead of election, was a pitch of audacity quite beyond the commissioners, so they evaded it by the creation of a Board of Examiners, making between the City Council, the Joint Standing Committee on Public Instruction, the School Committee, the Board of Examiners, and the Mayor, a jumble of authorities hardly equalled in any civilized government on earth. The

present law department seems defective in that while the City Solicitor is elected by the Council, the Assistants are appointed by the Mayor; but the new Charter hardly improves upon this by providing for three separate heads, appointed independently. How they would be likely to work together is foreshadowed by Section 123: "Any of the duties of the counsel of the corporation may be discharged by the city solicitor; and any of the duties of the solicitor may be discharged by the counsel or assistant solicitors; said officers shall perform such professional duties as may be required of them by the mayor, the city council, or either branch thereof." The Scripture says, "No man can serve two masters." But perhaps the aphorism does not apply to the case of three or more.

The Fire Department, as now organized, has existed for about two years, and as it embodies the principle aimed at in the new charter, a consideration of its working is very pertinent. Let us say at the outset that we have no reflections to make on the actual Commissioners. We do not know them, and have nothing to do with individuals. The possibilities of a system are alone under discussion. There is an impression that greatly increased efficiency has resulted, and such may be the case. But it must be remembered that *two* great changes were made: first, the creation of a Board; and second, the appointment of the Engineers with official subordination in place of election separately by the Council. It cannot be assumed that improvement is wholly owing to the first. The salaries of the Board amount to $12,000, and the demonstration of value received is of some importance. The Mayor appoints the Board and the Board appoints the Engineers. Here, at the outset, is a diffusion of responsibility. The Board consists of three members. They are almost certain to differ in important respects, especially as they are appointed by different Mayors, and the resultant indecision is certain to propagate itself through the whole department. If one Commissioner is strong enough to assert his will over the others, where is the gain in having this additional link between the Mayor and the Chief Engineer? Does it not simply weaken responsibility? The Mayor is a public official, and more or less under supervision, and the Chief Engineer is more or less

watched. But who guarantees the Fire Commissioners? It is true they make an annual report, but they can say just as much or as little as they please. The object of creating the Board seems to have been to get rid of the rule of committees of the Council, an object with which we most heartily sympathize. But is that object accomplished? The Standing Committee is still the only check upon the Fire Commissioners. In the estimates for 1874–75 we find for the Fire Department, etc., $731,305. That is a large sum to intrust to an irresponsible Board. The new charter provides that no more than $5,000 shall be spent for any single object without the approval of the City Council. Well, how is that approval to be obtained? Is it not by the present method of a private arrangement with a standing committee of the Council? and is that method any less objectionable because three men have to negotiate instead of one, or because a second negotiation has to take place between the Board and the Chief Engineer? We cannot resist the conviction that while the real merit of the new system comes from appointment instead of election, the introduction of a board diminishes the chances of efficiency and increases those of corruption.* What may be called the key-stone of the proposed charter is the creation

* Mr. Charles Nordhoff, in § 408 of his "Politics for Young Americans," says: "In almost all our city governments the executive powers, which ought to be concentrated in a Mayor, are divided among different boards and commissions, and are thus frittered away." In the October number of this Review for 1871, speaking of New York, he says: "The story of these non-partisan commissioners runs a uniform course. When first created they were zealous and efficient. Generally in about a year the useful men were driven to resign, and in their places at once appeared the worst class of politicians, and thenceforth the commission or board became a mere machine for corruption and political intrigue."

Hon. John T. Hoffmann, Ex-Governor and Ex-Recorder of the city of New York (*crede experto*), says: "Some years ago, as a cure for temporary evils, we practically took the government out of the hands of the people of the city, and imposed upon them all sorts of boards and commissions. The evils existing before that were trifling compared with those which you have suffered since. . . . . Complicated machinery will serve only to invite combinations of designing men, whose operations can be concealed under it." And again: "The head of every department should be a single one, — no boards or commissions, — and so the responsibility to the mayor will be concentrated, as is his to the people. What we need is not a complex system, but one that is simple and direct: all through which runs one sound principle." The plan of a charter recommended by Governor Hoffmann is substantially such as is sketched in this paper.

of the Board of Public Works with powers which certainly ought not to be intrusted to any man or body of men unless under the most rigid responsibility; powers, moreover, which are almost certain to bring them into collision with the other boards, while there is no arbiter provided except the Common Council working through its committees. Section 166 provides for the appointment by the board of works, with approval of the Mayor, of about a dozen executive authorities, which are now selected in almost as many different ways. There can be no question that responsibility would be greater, and it is hard to see how efficiency would be less, if they were appointed directly by the Mayor.

A sort of consciousness of the danger of a conflict of independent authorities, resulting in a dead lock, seems to have given rise to Section 237, which provides "that the city council" (practically overriding every other authority), "may give the charge of *any important undertaking* to a special commission, to be appointed by the mayor, with the approval of the city council, *to whom the city council may commit all, or any part, of the powers given by law to this city or to any branch of the government thereof*, in reference to taking land for the proposed undertaking, or for the adoption of plans for the same, *or for any other purpose connected therewith.*

The gravest charge, however, that we have to bring against the revised charter is, that it makes no attempt to reform the existing false system of finance; the system by which revenue is forced up to expenditure, instead of expenditure being adjusted to revenue; the system under which the municipal debts of Massachusetts have increased from $19,000,000 in 1865 to $80,000,000 in 1875. We are disposed to think that the most popular government for the city of Boston would be one which should show itself able, even with the postponement of many important improvements, to reduce valuation by twenty-five per cent with no increase or a diminution of the rate of taxation. Such an achievement under the present system is simply impossible.

The earnest advocates of the new charter appear to be actuated by the same motive which has led many Republicans to

go over to the Democratic party, — the idea that change must be improvement; a process of reasoning than which hardly any can be more unsound. Still, we admit that any one who is dissatisfied with the actual state of things, and objects equally to the substitute proposed, is bound to show, not only the source of failure, but that of amendment. If we were asked to define the leading principles underlying good government of any kind, and especially under free institutions, we should be inclined to paraphrase a saying of the first Napoleon, and reply, first, responsibility; second, responsibility; and, third, responsibility. This implies such an arrangement of affairs, that (*a*) whenever there is any disaster, whether from wrong-doing or neglect, whenever anything is done which ought not to be done, or left undone that ought to be done, there shall be some one person upon whom the fault can be directly fastened, with "Thou art the man"; that (*b*) every official shall be directly answerable to his next superior, who is bound to inflict punishment upon pain of incurring it himself, and who alone can do so; and that this chain of responsibility shall go on, link by link, till it reaches the person or persons for whose benefit the whole system is established, whether a prince, an aristocracy, or a whole people. The slightest examination will show that this system is the basis of every successful private enterprise, whether the dry-goods store of A. T. Stewart, or the New York Central Railroad under Vanderbilt. It is the secret of the most efficient organization of modern times, the Prussian military system.* "But," an indignant member of the City Council will exclaim, "this is one-man power, it is anti-republican, it is despotism." Let us come to an understanding as to this word "Republican." If it means merely what we have done and are doing in this country, that there shall be no head to the government, and no binding force among the members, but that every individual shall have a minute share in the direction of details, then we plead guilty to the charge; but we affirm that such republicanism is destined to an untimely end. But if it means, that the govern-

* So far from elaborately restricting and checking power, it is the very essence of this idea that every man's power, *within his own sphere*, should be absolute. How can any one be held responsible for that over which he has no effective control?

ment being administered in the best and most efficient manner shall be so in the interest of and subject to the control of the whole people, then we maintain that ours is the only true republicanism. There are two conditions, and only two, which are essential to this view of the case; first, that the people should declare by frequent and free elections whether they are satisfied with the government as carried on, or wish for a change; and, second, that this should be done in each locality as to its especial affairs, in the town, the city, the state, the nation. But these conditions themselves, to be effective, require the others which we have pointed out. Experience shows pretty plainly that, as affairs are now, the masses of voters will not take effective part in the primary meetings; that they will not, in fact cannot, inform themselves as to all the details and all the men upon which and whom their judgment is required. Instead of scolding at them, why not try to discover something which they will do? The issue should be as plain and simple as possible, and should turn, not upon measures, but upon men; and not upon men estimated in advance and through current reputation, but tested by actual and public trial.

We proceed to submit a sketch of a charter, and then to offer some comments upon it. The Aldermen and Common Council would be elected as now by the people, the former at large, and the latter by wards, but leaving each ward free to select its candidates from all the inhabitants of the city. We should prefer to continue annual elections both for the Council and the Mayor till the effects of other changes were tried, and thus to avoid confusing the evidence from two sets of changes. The people would elect but one executive officer, the Mayor. The Mayor would appoint five or six heads of departments, as Police, Education, Finance, Public Works, Law, Health, and Fire, for all of which he would have the absolute power of appointment and removal, and through these heads the same power as to all subordinate officers. It would be the right and duty of the heads of departments to be present on alternate days at the sessions of the Aldermen and Common Council, to explain their plans and their current action; and to be open, under parliamentary forms, to question and criticism.

The Council would have by its members and committees the freest access to inspect and examine the work and accounts of the various departments, but no power under any circumstances to interfere with or dictate to any executive officer, *except in public sessions of the respective branches.* It would be the duty of the Head of Finance, after full consultation with the other departments, to prepare an annual statement, showing, first, the sources and amount of revenue, analyzing the different branches, pointing out the defects and inconsistencies, with the possible remedies; and, second, the estimates of expenditure, pointing out such parts as in his judgment might be omitted or postponed with a view to avoid increase or effect reduction of taxation. The Council would then, with the aid of heads of departments, discuss fully the financial statement, both in its various parts and as a whole, and would approve or alter as the majority should finally decide. It would rest with the Mayor to veto the appropriations, either as a whole or in parts, subject to the final persistence of the Council by a two-thirds or three-quarters vote. The same general method of procedure would apply to the working of the various departments.

Such, we conceive, would be the outline of a charter aiming to secure efficiency, publicity, and responsibility. It would of course be impossible within the limits of an article to discuss minutely all its bearings, but we shall touch upon one or two leading points. And first, as to the removal of the restriction of residence of a common councilman within his ward; and our remarks will apply equally to the State legislative and the congressional districts. It is a restriction which perpetuates the rule of the caucus by making the office a perquisite of individuals, instead of a trust for the benefit of the electors. It is like saying that the latter should employ no lawyer or doctor who does not reside in their ward, which might greatly benefit the local professional gentlemen, but would be at once resented by their clients. Why should not the electors have the benefit of the best talent they could secure? The theory is, that a resident will know best the wants of his constituents; but the real question is, Who will best provide for them?

The second point is as to the confirmation of appointments

by the Council. This has come to be regarded as the palladium of our liberties, but it would not be difficult to show that it is, of all provisions, perhaps the most fatal to efficiency and responsibility.* The first object of the Mayor must be not to provide for work well done, but to suit the Council. It is said that the latter does in fact always confirm suitable appointments. Now, either the provision means something or nothing. If the former, then our objection holds. If the latter, then the Council debar themselves from the subsequent vigilant criticism which the public interest requires. If an official fails in his duty, they are just as much responsible as the Mayor, and by objecting to him, they stultify themselves equally with the Mayor. On the other hand, if the Council have no interest in a man except his work, they will look to that much more closely, while if the Mayor should appoint or retain an officer in defiance of the openly expressed dissatisfaction of the Council, he would need to be very strong before the people, the final judges. One objection to the plan is, that the heads of departments could not possibly be efficient officers in their professions and at the same time be able to sustain the constant debating in the Council. In fact, while the working officials would be subordinates, the heads would be in the nature of advocates whose business it would be to explain and defend working plans to be furnished them by the former. Of course the great outcry would be against trusting so much power to the Mayor. At the risk of too great repetition we urge that without power we cannot have responsibility. The evil of the present state of things is that in the minute subdivision of power we have lost that essential element as well as efficiency. We regard it is as the fundamental error of our present politics that the safeguard of liberty is looked for in

* It is with much pleasure that upon this point, which might appear to be dictated by a mere love of paradox, we have to record the agreement of Hon. John Hoffmann (than whom probably no man in the United States is more competent to give an opinion on this subject). In the address above referred to he says: "Have, therefore, no provision in your charter requiring the assent of the common council to the mayor's appointment of heads of departments; that only opens the way for dictation by the council or for bargains. This is not the way to get good men, or to fix the full responsibility for mal-administration upon the people's prime minister."

elaborate checks upon power, instead of enforced responsibility for results. As long as the Council could lay open to public inspection every nerve and fibre of executive action, and retained the absolute power of the purse, while the people held the final decision at the polls, the danger would certainly not be greater than when, as now, the executive is concealed from the public eye, and reduced to private intrigue with the Council.

One of the favorite traditional maxims in this country is that the legislative and executive branches should be kept separate. But experience has shown, if logic did not, that government cannot be carried on without their coming in contact somehow. While, therefore, provision has been made for keeping them separate in public, they do in fact carry on constant intrigue and negotiation in private,—a process in which, as the Legislature alone has the public ear, the executive always comes by the worst. The object which we propose is, to separate them completely in private, by depriving each of power to interfere with the other except in public, and by giving the executive an equal right of hearing, to bring all the contact and collision of the two branches under the public eye.

We should like much to compare what has been written with the very interesting debates on the subject which have taken place in the Common Council, and which have shown great ability and keen analysis on the part of some members.* We regret the less, however, our limit of space in this respect, as

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* Together with some fine specimens of rhetoric of the caucus politician. There can be no better compendium of this essay than the orders passed in November by the Common Council, by a vote of 33 to 24. The net outcome of the solemn appointment of Commissioners to revise the City Charter, of the publication of the elaborate results of their efforts, and of debates in the Council, extending over a year, appears to be the following:—

Ordered, That his Honor the Mayor be requested to petition the General Court for amendments to the City Charter, as follows: That the powers conferred upon the Board of Aldermen by Sections 35 and 41 of the Charter (that is, the general executive powers of the corporation) be transferred to the City Council, to be exercised as provided by Section 35 of the Charter.

Ordered, That the Joint Special Committee on the Revision of the City Charter be instructed to prepare, with the assistance of the City Solicitor, a statement of the changes needed in the State legislation, other than the charter, to transfer all other powers held exclusively by the Board of Aldermen to the Common Council.

also the cursory manner in which we have been obliged to state our own case, because the real question, after all, in this, as in the currency problem, is much less what to do than how to get it done. It is utterly futile to expect that reform, of which the most essential element is repression of the legislative branch, should be initiated or promoted by that branch. As already remarked, a real reform charter must proceed from an outside commission, either of volunteers or appointed by a meeting of citizens, and then be carried by public discussion and agitation. Great as the difficulty of this process may be, there are many considerations to show that it is yet less than the importance of it. The people of New York City have been at work for eight years in trying to amend their government, with the result that there is hardly any efficient safeguard against the advent of another William M. Tweed, with the addition of untold millions to their city debt. The reason is, that the changes are all in the direction of temporary expedients, an alteration in one office or the creation of another, while no account is taken of the principles underlying the whole subject. Thus, in our own city, the reduction of the School Committee from upwards of a hundred members to twenty-five is doubtless an improvement; but to the real magnitude of the question it bears about the same relation that the elevation of the highest mountains does to the surface of the earth. There are in Massachusetts nineteen cities, most of them resorting every year to the State House for special legislation, till the statutes relating to them threaten to become a mass of confusion; yet the complaints of extravagance and taxation increase rather than diminish. We have heard of Western towns and cities which, in their eagerness for development, have assumed such a load of debt as actually to drive away population and capital, the burden growing constantly heavier as resources diminish. We believe it to be a fact, that the value of real estate in New York is to-day seriously affected by the weight of taxation. With the magnificence of her position and trade she may laugh at the idea, but it is not inconceivable that the burden may some day reach the point of a positive check to her growth. And if once that point should be reached, and the tide begin to ebb, it would be an accelerat-

ing process. A great rivalry is going on between our large cities to attract population and wealth by means of internal improvements, as railroads, navigation, water-supply, public parks, etc. There is an element which would outbalance them all, — the manifestation of a firm control of expenditure, the practical proof of power, during a series of years, to prevent increase or effect diminution of debt and taxation. The attainment of this result may be difficult, but the process admits of being very simply stated. We believe that the great battle of the future for this country is to be between executive and legislative power: a battle in which the weal or woe of the nation is not less at stake than in that with slavery. The struggle will go on whether it receives the public attention or not. The legislative branch, under cover of the cry of danger from one-man power, will continue to gain possession of the government and the control of offices, with a steady increase of anarchy, inefficiency, and corruption. And if history teaches any one lesson, it is that when the pressure becomes intolerable, the executive will right itself by violence. If we finally fail to establish independent and responsible executive power, the day will come when we shall have that which is independent but irresponsible; when the people, disgusted with secret political intrigue, with unchecked lobby government, and with utter corruption in the civil, if not the military services, will prefer, or at least think they prefer, oppression by one man to that by hundreds.

We have no desire, however, to pose as prophets of evil, or to assume, as an English writer has done, the character of Cassandra. It is no vain boast that the United States possess the soundest and most intelligent population, as a whole, that has ever existed in any country. Our civil war showed how far they were in advance of the government, and with what devotion and determination they could adhere to an elevated idea. Reliance on the popular will may be a broken reed, but this country offers no proof of it, while politics are so adjusted that that will shall *not* be expressed. It is commonly remarked that the questions now before the country are too complex to admit of a simple issue like that of slavery, and, as matters of detail, they are beyond the popular apprehension. But the

agitation which is going on, and the concentration of thought among educated men, give reason to hope that some simple and general principles will be arrived at. We have a strong conviction that, sooner or later, either the nation, or some State or some city, will work out the plan of a strong and responsible executive, and that when its practical operation is developed, the quickness and readiness of our people to seize upon really practical improvements will secure its general adoption.

GAMALIEL BRADFORD.

ART. II. — 1. *Sicilianische Märchen. Aus dem Volksmund gesammelt von* LAURA GONZENBACH. 2 Theile. Leipzig. 1870.

2. *Biblioteca delle Tradizioni popolari Siciliane per cura di* GIUSEPPE PITRÈ. Vols. IV. – VII. *Fiabe, Novelle e Racconti.* 4 vols. Palermo. 1875.

3. *The Folk-Lore of Rome collected by Word of Mouth from the People by* R. H. BUSK. London. 1874.

4. *Le Novelline di Santo Stefano raccolte da* ANGELO DE GUBERNATIS. Torino. 1869.

5. *La Vigilia di Pasqua di Ceppo. Otto Novelle di* TEMISTOCLE GRADI. Torino. 1860.

6. *Saggio di Letture varie per i Giovani di* T. GRADI. Torino. 1865.

7. *Novelle popolari bolognese raccolte da* CAROLINA CORONEDI-BERTI. Bologna. 1874.

8. *Fiabe popolari veneziane raccolte da* DOM. GIUSEPPE BERNONI. Venezia. 1873.

9. *Leggende fantastiche popolari veneziane raccolte da* DOM. G. BERNONI. Venezia. 1873.

10. *Tradizioni popolari veneziane raccolte da* DOM. G. BERNONI. Puntate 1, 2. Venezia. 1875.

11. *Märchen und Sagen aus Wälschtirol gesammelt von* CHRISTIAN SCHELLER. Innsbruck. 1867.

12. *Canti e Racconti del Popolo Italiano pubblicati per cura di* D. COMPARETTI ed A. D'ANCONA. Vol. VI. *Novelline popo-*

lari italiane pubblicate ed illustrate da D. COMPARETTI. Vol. I. Torino. 1875.*

THE popular tales of Europe possess a peculiar interest from whatever standpoint we regard them. If, with Benfey and his followers, we consider them merely secondary forms of Oriental originals, we have opened before us a fascinating field of study, the literary connection of the East and West. If, on the other hand, we hold with Grimm and his school that these tales are of primitive Aryan origin, and exclude the hypothesis of conscious borrowing by one people from another, we have a still more interesting subject of investigation, comparative folk-lore in its relations to comparative mythology and the science of religion.

The latter theory has found greater favor in England and America, owing to the labors of Cox, Dasent, and Müller; the former is more generally received in Germany, where it is warmly defended by such profound scholars as Benfey, Liebrecht, and Köhler. It is too soon to pronounce decidedly in favor of either theory from the arguments advanced by their supporters. The science of comparative folk-lore has not yet advanced beyond the collection and arrangement of materials. Whichever of the above theories we may support, we must first have at our disposal a complete collection of European folk-lore so arranged and classified as to render comparison easy and thorough.

Until recently the only scientific collections of folk-lore were those made in the North of Europe; within a few years, however, the interest in this study has spread southward, and France, Spain, and Italy are now busily engaged in gathering together what time has spared of these precious remains of their national and popular traditions and beliefs.†

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* The above list does not include all the recent publications on the subject. The most important ones omitted here will be mentioned in the course of the article. It may, however, be well to state here that many inedited Italian stories (mostly from Piedmont and Tuscany) will be found scattered through Professor De Gubernatis's masterly work on Zoölogical Mythology, London, Trübner & Co., 1872, 2 vols.

† We must not omit the mention of Hahn's admirable work on Greek and Albanian popular tales, a work too little known in this country, — *Griechische und Albanesische Märchen gesammelt,* von J. G. von Hahn, 2 Theile, Leipzig, 1864.

The object of this article is to call attention to the more recent works on Italian folk-lore, as well as to review what previously existed, and briefly to examine the bearing of this new material on the question of the origin and diffusion of popular tales.

In 1550 there appeared in Venice a collection of stories, in the style of the Decamerone, which was received with the greatest favor. It passed through sixteen editions in twenty years, was translated into French and often printed in that language, and before the end of the century was turned into German. Its influence called into existence the most fashionable branch of French literature in the next century, and its echoes are still heard in every nursery in Europe.

So entirely has this once-famous book been forgotten, that when we state that we allude to the *Piacevoli Notti* of Giovan Francesco Straparola of Caravaggio, we shall be mentioning a work and an author known only to a few scholars, and to most of them only through the use made by others of his stories.*

The author feigns that Francesca Gonzaga, daughter of Ottaviano Sforza, Duke of Milan, on account of the commotions in that city, retires to the island of Murano, near Venice, and, surrounded by a number of distinguished gentlemen and ladies, passes the time in listening to stories related by the company. Thirteen nights are spent in this way, and seventy-four stories are told, when the approach of Lent cuts short the diversion.

* It is astonishing that a person of Straparola's popularity should have left behind him nothing but a name. We only know that he was born near the end of the fifteenth century at Caravaggio, and was the author of several poetical works now lost. The date of his death, as well as any of the circumstances of his life, are unknown. The little that is known of him and a very complete bibliography of his *Piacevoli Notti* will be found in an excellent monograph entitled *Giovan Francesco Straparola da Caravaggio.* Inaugural-Dissertation von F. W. J. Brakelmann aus Soest, Gottingen, 1867. Straparola's work, especially the unexpurgated editions, is scarce, and the ordinary student will have to consult it in the French translation by Louveau and Larivey, an excellent edition of which is that in the *Bibliothèque Elzevirienne* of P. Jannet, Paris, 1857. There is a German translation with valuable notes of the *märchen* contained in the *Piacevoli Notti* by F. W. Val. Schmidt, *Die Märchen des Straparola,* Berlin, 1817. Schmidt used, without knowing it, an expurgated edition, and translated eighteen instead of twenty-two *märchen.*

These stories are of the most varied form and origin; many are borrowed without acknowledgment from other writers, twenty-three, for example, from the little-known Morlini, sixteen from Sachetti, Brevio, Ser Giovanni, the old French *fabliaux*, the Golden Legend, and the Romance of Merlin. Four others are of Oriental origin, and may be found in the "Pantschatantra," "Forty Viziers," and "Thousand and One Nights." *

There remain, then, thirty-one stories, the property of Straparola. These are all what the Germans term "märchen," and there is but one other of this kind, borrowed from Morlini, in the collection. We say "the property" of Straparola; we mean they had never appeared before in the *literature* of Europe. They are, however, the property of no one man nor people; they are the fragments of our Aryan inheritance, common to all the Indo-European peoples, the immortal Fairy Tale! Two of Straparola's stories have survived their author's oblivion and still live in Perrault's version of *Peau d'Ane* and *Le Chat Botté*, while others in the witty versions of Madame D'Aulnoy delighted the romance-loving French society of the seventeenth century. Straparola's work had no influence on contemporary Italian literature, and was soon forgotten,—an unjust oblivion, for to him belongs the great honor of having introduced the Fairy Tale into modern European literature. He has been criticised for his style and blamed for his immorality. The former, it seems to us, is not bad, and the latter no worse than that of many contemporaneous writers who have escaped the severe judgment meted out to Straparola.

We find no traces of popular tales until nearly a century later, when the first edition of the celebrated Pentamerone appeared at Naples in 1637. Its author, Giambattista Basile (also called by the anagram of his name, Gian Alesio Abba-

* The source of Straparola's Oriental tales is unknown; it could hardly have been oral tradition. We shall see in the course of this article that there was probably, during the fourteenth century or earlier, some popular collection of Oriental stories based on the above-mentioned works. The reader will find all the necessary references to Straparola's borrowed materials in Liebrecht's translation of Dunlop's History of Fiction, Berlin, 1851, pp. 283, 493; in Brakelmann's dissertation above cited; in the French version in the *Bibliothèque Elezevirienne;* and in Grimm's *Kinder und Hausmärchen*, 3d ed., Gött, 1856, Vol. III. p. 286.

tutis), is but little more known to us than Straparola. He spent his youth in Crete, became known to the Venetians, and was received into the *Academia degli Stravaganti.* He followed his sister Adriana, a celebrated cantatrice, to Mantua, enjoyed the duke's favor, roamed much over Italy, and finally returned to Naples, where he died about 1637.*

The Pentamerone, as its title implies, is a collection of fifty stories in the Neapolitan dialect, supposed to be narrated, during five days, by ten old women, for the entertainment of the person (Moorish slave) who has usurped the place of the rightful princess.

Basile's work enjoyed the greatest popularity, and was translated into Italian and the dialect of Bologna. It is worthy of notice that the first fairy tale which appeared in France, and was the *avant-coureur* of the host that soon followed under the lead of Charles Perrault, *L'Adroite Princesse*, is found in the Pentamerone.†

We know nothing of the sources of Basile's work, but, as we shall see, it contains the most popular and extended of all European tales, and must have been in a great measure drawn direct from popular tradition. The style is a wonderful mass of conceits, which do not, however, impair the interest in the material, and it is safe to say that no people in Europe possesses such a monument of its popular tales as the Pentamerone. Its influence on Italian literature was not greater than that of the *Piacevoli Notti.* From the Pentamerone, Lorenzo Lippi took the materials for the second *cantare* of

* The Pentamerone is also a scarce work, and the scholar will ordinarily have to content himself with Liebrecht's admirable translation, *Der Pentamerone oder Das Märchen aller Märchen*, Aus dem Neapolitanischen übertragen von Felix Liebrecht, Breslau, 1846, 2 vols. In an Appendix, Vol. II. p. 316, will be found an account of Basile and some bibliographical details.

The Pentamerone suffered the same fate as the *Piacevoli Notti.* It was not known, for instance, in Germany until Fernow described it in his *Römische Studien*, Zürich, 1808, Vol. III. pp. 316, 475, although Wieland had taken the material for his Pervonte from the third story of the first day. There is an excellent English translation of thirty-one of the fifty-stories: "The Pentamerone, or the Story of Stories. Fun for the Little Ones from the Neapolitan," by John Edward Taylor, with illustrations by George Cruikshank, London, 1848, and 2d ed. 1850.

† This story is usually printed with Perrault's tales, but its author was really Mlle. Lhéritier. See the latest edition of Perrault's tales, *Les Contes de Charles Perrault*, par André Lefèvre, Paris, Lemerre, 1875, p. xli.

his *Malmantile Raquistata*, and Carlo Gozzi drew on it for his curious *fiabe*, the earliest dramatizations of fairy tales, which, in our day, after amusing the nursery, have again become the vehicles of spectacular dramas.

Although there is no proof that Mlle. Lhéritier and Perrault took their stories from Straparola and the Pentamerone, there is little doubt but the French translation of the former, which was very popular (Jannet mentions fourteen editions between 1560 and 1726), awakened an interest in this class of stories, and was thus the origin of that copious French fairy literature which, besides the names mentioned above, includes such well-known writers as Mde. D'Aulnoy, the Countess Murat, Mlle. De la Force, and Count Caylus, all of whom drew on their Italian prototypes more or less.*

In spite of the great popularity of the two collections we have just examined, they exerted but a slight influence on the literature of Italy, and have become bibliographical rarities.†

The interest that the brothers Grimm aroused in Germany for the collection and preservation of popular traditions did not, for obvious reasons, extend to Italy. A people must first have a consciousness of its own nationality before it can take sufficient interest in its *popular* literature to inspire even its scholars to collect its traditions in the interest of science, to say nothing of collections for entertainment.

In 1860 Temistocle Gradi of Siena published in his *Vigilia di Pasqua di Ceppo* eight, and in his *Saggio di Letterature varie*, 1865, four popular tales as related in Siena. These were collected without any scientific aim, but are still valuable for purposes of comparison. No attempt at a scientific collection of tales was made until 1869, when Professor De Gubernatis published the *Novelline di Santo Stefano*. This was followed by

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* See Liebrecht's Dunlop, p. 408 *et seq.*; Grimm's *Kinder und Hausmärchen*, ed. cit. Vol. III. p. 299 *et seq.* Ten of Straparola's and thirty-three of Basile's tales have counterparts in Grimm, and so naturally in other North European collections. We shall have occasion later to speak of the relation of Italian popular tales to those of the rest of Europe.

† There is one other collection of Italian popular tales, *La Posillecheata de Masillo Reppone di Gnapoli*, Napoli, 1684. Its author was Pompeo Sarnelli, Bishop of Bisceglie, and it contains five stories in Neapolitan dialect, and of the same nature as those of the Pentamerone.

Imbriani's *Novellaja fiorentina*, Napoli, 1871; and *Novellaja milanese*, Bologna, 1872.

Bernoni, the next year, 1873, published two of the works at the head of this article, and in 1874 Carolina Coronedi-Berti collected and edited the popular tales of Bologna. The collection of Sicilian popular tales, and the general collection by Comparetti, which head this article, constitute, with those already mentioned, all the Italian contributions to this subject, which, if they seem meagre in comparison with what has been done in the North of Europe, are still far in excess of French and Spanish labors in this field.

The attention of strangers was early directed to Italian folklore, and the first scientific collection was the work of two Germans, Widter and Wolf, who published a translation of twenty-one Venetian tales in the *Jahrbuch für romanische und englische Literatur*, Vol. VII. (1866) pp. 1–36, 121–154, 249–290, with comparative notes by R. Köhler. In the same volume, pp. 381–400, were published twelve tales from Leghorn, collected by Hermann Knust; and finally the eighth volume of the same periodical, pp. 241–260, contains three stories from the neighborhood of Sora, in Naples.

In 1867 Schneller published at Innsbruck a German translation of sixty-nine tales, collected by him in the Italian Tyrol.

Of much greater interest and importance than any of the above are the two volumes of Sicilian tales, collected and translated into German by Laura Gonzenbach, afterwards the wife of the Italian general, La Racine. The latest work on the subject by a foreigner is Miss Busk's. The number of stories published, in German and English, is about twice as many as those published in Italian before Pitrè's collection, being over four hundred. Pitrè contains more than all the previous Italian publications together, embracing over three hundred tales, etc., besides those previously published by him in periodicals and elsewhere.*

* Dr. Pitrè has undertaken the difficult task of collecting and editing the popular songs, tales, and customs of his native country. He has already published two volumes of *Canti popolari*, Palermo, 1871, and a volume of studies on popular poetry, Palermo, 1872; and has now in preparation a volume containing children's

It is not, however, merely numerically that Pitrè's collection surpasses all that has previously been done in this field. It is a monument of patient, thorough research and profound study. Its arrangement is almost faultless, the explanatory notes full, and the grammar and glossary valuable contributions to the philology of the Italian dialects. In the Introduction the author, probably for the first time, makes the Sicilian public acquainted with the fundamental principles of comparative mythology and its relation to folk-lore, and gives a good account of the Oriental sources of the novel.

If we compare Pitrè, Gonzenbach, and Comparetti, we shall find each influenced by different principles which have affected their plans. Frl. Gonzenbach's collection is indeed a valuable contribution to European folk-lore, and its value is greatly increased by Köhler's comparative notes. The stories are (as in Comparetti) translated, and thus lose their freshness and philological value. Pitrè has, it seems to us, very properly confined his notes and comparisons entirely to Italy, with references, of course, to Gonzenbach and Köhler when necessary. In other words, his work is a contribution to *Italian* folk-lore, and the student of comparative Aryan folk-lore must make his own comparisons; a task no longer difficult, thanks to the works of Grimm, Hahn, Köhler, De Gubernatis, Cox, etc. Miss Busk's work is based on oral tradition, and contains, including the variants, one hundred and forty-two tales, divided into *esempj*, *favole*, *ciarpe*, and ghost-stories and local and family traditions. The author refers frequently to Grimm, Dasent, Ralston, and Schneller, but seems unacquainted with the folk-lore of the rest of Italy.

It is to be regretted that the editor of the latest general collection of Italian popular tales, Comparetti has chosen to translate his collection. The first volume, all yet issued, contains seventy stories from various parts of Italy. There is no arrangement by locality nor subject; and the annotations, instead of being given with each story, are reserved for one of the future volumes,—an unhandy arrangement, which detracts from the value of the work.

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games, festivals, etc., and one of proverbs, compared with those of the other dialects of Italy. Dr. Pitrè's labors deserve the warmest praise and encouragement from all who are interested in popular literature.

The name applied to the popular tale differs in various provinces, being generally a derivative of the Latin *fabula*. So these stories are termed *favuli* and *fràuli* in parts of Sicily, *favole* in Rome, *fiabe* in Venice, *foe* in Liguria, and *fole* in Bologna. In Palermo and Naples they are called *cunti; novelle* and *novelline* in Tuscany, *esempi* in Milan, and *storie* in Piedmont.

There are but few peculiarities of form; those stories which we have in their original dialect present, of course, many interesting popular traits which our space prevents our mentioning. Those from Sicily begin either with the simple "*cc'era*," or "*na vota cc'era*," or "*si raccunta chi na vota cc'era.*"

Sometimes the formula is repeated, as, "*si cunta e s' arricunta*," with the addition at times of "*a lor signuri*," or the qualification of the story to be told as "*stu bellissimu cuntu.*"

These stories also end in a variable formula, which most commonly is a couplet referring to the happy termination of the tale, and the relative unenviable condition of the listeners.

An example from Sicily (Pitrè, I. p. 189) is: —

> "Iddi arristaru filici e cuntenti
> E nuàtri semu senza nenti."

The last line is sometimes, *E nui semu ccà munnamu li denti* (and here we are picking our teeth). In Tuscany the couplet is: —

> "In santa pace pia
> Dite la vostra, ch' io detto la mia."

Another Tuscan ending is (De Gub. p. 24): —

> "Stretto il viuolo, stretta la via
> Dite la rostra, ch' io detto la mia."

Miss Busk (p. 109) gives the following from Rome: —

> "Stretta la foglia,
> Larga la via (often, 'Stretta la via'),
> Dite la vostra,
> Ch' ho detto la mia." *

* For other examples see Pitrè, I. p. 196. For other interesting popular traits see same author, I. 187, note 3; ibid., 191, note; 370, note 1.

Passing from the form to the contents of the tales before us, there are two things which we noticed at once: that these tales are a unit, and that they contain scarcely a story for which a parallel cannot be found in some of the North European collections.*

The bearing of these facts on the question of the origin and diffusion of folk-lore may be considered later; they are mentioned here, as they must seriously modify the method of treating these stories in this article.

For this unity among themselves relieves us of the necessity of instituting comparisons between the various provinces of Italy; and their unity with the folk-lore of other Aryan peoples renders any extended comparison with the popular tales of the rest of Europe unnecessary.

Such being the case, a detailed examination of the salient features of these tales is almost useless; and we might pass at once to a consideration of the most interesting individual stories; there are, however, a few points of general interest.

The characters are the same, in general, as those of all other fairy tales. The hero and heroine are the youngest of three or more children; are badly treated at home, and, like the Northern Boots, despised by the other brothers and sisters. It is, however, the ridiculed younger brother or sister who performs the tasks the others have failed to do, and are then cheated, temporarily, of their reward by their envious kindred.

The typical story of this class is the Sicilian (Pitrè, XXXIII.) one entitled *Tridicinu*, from the hero, the youngest of thirteen brothers. The king issues a proclamation promising a large reward to whoever shall steal the bedquilt of a certain ogre. Tridicinu's brothers see a good chance of getting rid of one whom they dislike, and so go to the king and tell him that they have a brother who can do what the king wishes, and more too. Tridicinu remonstrates, but in vain; he finally undertakes and accomplishes that task, and

* For the proof of the first statement it will only be necessary to glance through the notes appended by Pitrè to each of his stories. Comparisons of the Italian tales with those of the rest of Europe have been made by Köhler in his notes on Gonzenbach's *Sicilianische Märchen*, and in the *Jahrbuch für rom. und eng. Lit.*, Vols. VII., VIII. Although much yet remains to be done in this field, the fact is established beyond a doubt.

afterwards is forced to steal the ogre's horse. This does not satisfy the king, who desires the ogre's pillow. The hitherto successful youth is now caught, put in a cask and fed, to make a dainty dish for the ogre and his wife. After a time they make Tridicinu show one of his fingers, to see whether he is fat enough to kill. He shows them a mouse's tail, and they decide to leave him awhile. At the next examination he had to show them his finger, and they conclude to kill him; so the ogress heats the oven three days and three nights. When she is about to put Tridicinu in it, he calls her attention to some dirt in the corner of the oven; and while she is trying to see what it is, he pushes her in and shuts the mouth of the oven. When she is cooked Tridicinu puts part of her on the table, and fixes her head in bed with a string so as to move it when necessary.

The ogre soon arrives with his guests and the trick is discovered, but amid the confusion Tridicinu escapes with the pillow and many other rich things. The king is still unsatisfied, and demands from the astonished Tridicinu the ogre himself, "live and sound." Tridicinu has a long chest made, and conveys it near the ogre's house. He tells him (Tridicinu is disguised as a monk) that it is intended for the wicked Tridicinu, but as he has never seen him he fears he will not go in it. The ogre says he is about his size, and consents to get into the chest and try how it fits him. Of course Tridicinu bears him off in triumph to the king.

Another version of this story is connected with the story of the "Faithful Beasts." Tridicinu, on his way to the ogre's, encounters an eagle, lion, and ant, settles their dispute, and receives from them a feather, hair, and foot, which enable him to accomplish his enterprises.* We have said that the youngest brother as hero is often betrayed by his envious brothers. The

* The story of Tridicinu is almost exactly that of *Askeladden, som stjal Troldets Solvænder, Sengetæppe og Guldharpe* in Asbjörnsen and Moe's *Norske Folke-Eventyr*, 5 ed. No. 1, translated by Dasent in his "Norse Tales," under the title of "Boots and the Troll." Other European variants will be found in Ralston's "Russian Folk-Tales," p. 168; and Brueyre's *Contes pop. de la Grande-Bretagne*, p. 38. It is found also in Gonz., 30, 83; *Novellaja milanese*, 1; Pentamerone, III. 7; *Märchen aus Venetien*, 9; and finally it may be compared with Straparola, I. 2.

typical story of this class is (Pitrè, LXXX.) *La Jisterna* (The Well). Here the hero is the youngest of three king's sons, who descends, or is made by his brothers to descend, into a well. At the bottom he finds three princesses in the power of a magician, from whom he liberates them. The envious brothers lower a cord into the well, and pull up the three beautiful princesses, and leave their brother in the lurch. The hero escapes from his subterranean prison in various ways, in one version by means of a magic apple which recalls the ring and lamp in "Aladdin"; in another an eagle carries him on his back. During the journey the eagle demands flesh, otherwise the flight cannot be prolonged; the hero cuts off a piece of his own flesh, in one case his whole leg, which he gives the bird. Afterwards, of course, the leg is restored by the bird.* The youngest sister, as in other lands, is the victim of her stepmother or envious sisters. Where the latter fail she succeeds, and often restores to them their lives, which their curiosity forfeited. She is the heroine of such stories as "Bluebeard," "Cupid and Psyche," and "Beauty and the Beast," which will be mentioned later.

The superhuman figures in these tales are of course the fairies, but they seldom appear in the guise of the bright beings with whom the stage has made us familiar. Sometimes we see them as old hags bestowing miraculous gifts, sometimes as hermits guiding the hero and heroine along an unknown way.

The evil beings are the magicians, the giants, demons, and ogre. The ogress corresponds to our witch. The ogre and ogress (called in Sicilian *padri-draa*, *mamma-draa*) are of course distinguished for their love of human flesh, and make their appearance where the trembling hero or heroine is concealed, muttering a refrain with which we are all familiar: —

* This story is popular all over Italy; the various versions will be found in the notes to the above story in Pitrè, Vol. II. p. 208. It corresponds of course to those Northern tales, in which the Trolls inhabit subterranean abodes, in which they confine the princesses whom they have enchanted. The reader can easily recall stories in Dasent and Grimm, in which princesses are shut up in mountains and rescued by the hero, as in the Sicilian tale. The episode of the bird recalls Sindbad in the "Arabian Nights."

"Fum, fum!
Sento odour d' cristianum." *

There is no need of continuing these details, to show that Italian folk-lore is as much a part of Aryan folk-lore, as the Italian language is of the Aryan languages. In fact the resemblance between the stories under consideration and those of the rest of Europe is so strong as to disappoint somewhat the general reader. There is an almost entire absence of local coloring. The tale of "The Three Citrons" being told in almost the same words in Norway, the Tyrol, Tuscany, Naples, and Sicily.† Still there is a difference of hue, and, in some cases, a difference which may result from locality. For instance, the glass (ice) mountain which plays such a *rôle* in North European stories is naturally absent from Italian tales, and stories of the class of *Dornröschen* and "The House in the Wood" are not so marked as in the North.‡

After this hasty survey of some of the salient points of Italian popular tales, it may be well to examine in detail some of the most interesting individual stories, which for convenience may be roughly divided into three classes, fairy tales proper, legends, and popular tales not involving any superhuman agency. In considering the fairy tales, I shall first mention those in which the most famous myths of classical times will easily be recognized.

Perhaps the most popular tale in European folk-lore, certainly one of the most widely disseminated, is the one in which the myth of Cupid and Psyche can be clearly recognized. The best examples of this story are in Pitrè's collection, *Lu Re*

* This is the formula in Piedmont. In Tuscany (Nov. fior., p. 195):—

"Mucci, mucci!
Sento puzzo di cristianucci;
O ce n'è, o ce n'è stati,
O ce n'è degli impiattati."

† See *Norske Folke-Eventyr*, new collection by Asbjörnsen, No. 66; Schneller, No. 20; De Gub. No. 5; Pent. V. 9; Gonz. XIII.; Pitrè, XIII.

‡ See Cox, "Mythology of the Aryan Nations," Vol. II. p. 300. Speaking of the myth of Dêmêtêr, he says: "This story is naturally found in all lands where the difference between summer and winter is sufficiently marked to leave on the mind the impression of death and resurrection." This difference does not need to be so marked as at the North, for *Dornröschen* appears in India under the form of "Little Surya Bai." See Miss Frere's "Old Deccan Days," p. 113.

D'Amuri, No. XVIII.; and its variant, *Re Cristallu*, No. CCLXXXI.* In the former version the catastrophe is brought about by the heroine asking her husband's name, in the latter by looking at him with a lighted candle from which a drop of melted wax falls on his face. This version is found in Miss Busk's collection, p. 99, and elsewhere. The base of the various versions is always a mysterious husband, whose name is unknown, or whose face is never seen; the wife discovers his secret or sees his face, and he disappears only to be found again after years of painful searching and the completion of dangerous tasks. Sometimes the husband, as in *Lu Re D'Amuri*, is ordinarily disguised as a bird, and when he comes home bathes in milk and water, and resumes his human shape. In the above story the envious sisters persuade the wife to ask her husband's name; in other versions they put fragments of glass, etc., in the milk and water, and the magic bird flies away seriously wounded, and the luckless wife must discover the secret remedy for her husband's sickness.†

The myth of Polyphemus is well preserved in several stories, the most interesting one having been told to Pitrè by a girl eight years old at Erice, a translation of which is given in the *Revue des deux Mondes*, above cited. Another version is also from Sicily, where it is popular among the Albanese in the colony of Piana de' Greci (Comparetti, No. 70).

The myth of Nisus and Skylla is in Comparetti, No. 54, Gonz. No. 26, and elsewhere. Danaë still lives in the Pentamerone, I. 3; Andromeda, in Gonz. 39, 40; and Phryxos and Helle, in Pent. V. 8; Pitrè, No. 283; Gonz. 48, 49. Who does

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* The reader will find a French translation of a portion of this story in the *Revue des deux Mondes*, 15 Août, 1875, p. 849.

† This is the version in Bernoni, XVII., *El Re de Fava*, in several stories in Miss Busk's collection, "Pot of Marjoram," "Pot of Rue," "King Otho," and in Schneller, No. 21. Köhler, in his notes to Gonz., Nos. 15, 16, gives the principal European versions of this story. An interesting one has since been published in Asbjörnsen's *Norske Folke-Eventyr*, Ny Sammling, No. 84, *Den Grönne Ridder*. In this story the lover comes to the sound of sweet music, when a certain book is opened. The envious stepmother consigns her daughter to a subterranean abode, the walls of which are built of poisonous materials, which injure the Green Knight when he comes to visit his wife. The conclusion of the story is the same as in the Italian versions above mentioned, and to which many others from various parts of Italy might be added.

not recognize Hercules in the hero of Pitrè, LXXXII., *Lu' Mperaturi Scursuni*, a story which has a parallel in every European collection of tales? So Jason is clearly the hero of many tales of which good examples are in the Pentamerone, II. 7; III. 9; Pitrè, 13, 17.* If we now turn our attention to those stories which the Grimm school would term of "primitive Aryan origin," we shall find the most celebrated ones plentifully represented in the Italian collections. "Bluebeard," "Cinderella," "Beauty and the Beast," and "Sneewitchen" have their counterparts from the Tyrol to Sicily.† Interesting as this class is in itself, it presents too few original points to demand a more detailed examination; the bearing of this lack of originality will be considered later in this article.

We have thus far examined the stories before us as impartially as possible, and have endeavored to avoid treating them from any pronounced standpoint. We think it clear, however, that no valid argument can be deduced from them against the theory of Grimm. If that theory be true, then the mass of Italian folk-lore before us is precisely what we should imagine it would be. On the other hand, the influence of the Orient is perceptible in two classes of stories: first, those admitted by the

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* There are many interesting instances of "survival" scattered through these stories, which however do not materially differ from those contained in North European folk-lore. One or two, however, deserve mention. In the story above mentioned, *Lu Re D'Amuri*, the heroine, after fulfilling many arduous tasks, rejoins her husband, in spite of the wiles of her mother-in-law, the wicked witch. The time for the princess to give birth to a child approaches, but the old witch clasps her hands above her head, and declares that the child shall not be born as long as she keeps them there. The prince, however, outwits her, by having the bells rung as for a funeral; and when the witch asks whose it is, she is told that it is her son; in her grief she unclasps her hands, and the princess gives birth to her child. The reader will find an interesting note on the subject in Köhler's annotatious to Gonz., No. 12, and will at once recognize the myth of Alcmena and Lucina.

So also the ancient custom of lighted torches at weddings is preserved in many stories, as in the one just mentioned with the lawful wife, who is obliged to see her husband married to another, and to kneel by their bed holding in each hand a lighted torch.

Those interested in the Virgil of mediæval tradition will find in Pitrè, No. 53, some additions to the already voluminous details collected by Comparetti in his *Virgilio nel Medio Evo.*

† The "Cornhill Magazine" for July, 1875, contains translations of several stories in Bernoni's collection, among them "Cinderella," "Bluebeard," and a peculiar version of the King Lear myth.

Grimm school to be of Oriental (Indian) origin, and introduced into Europe during the Middle Ages; and, secondly, a few claimed by the school just mentioned to be of primitive Aryan origin. There are several tales which have been taken directly or indirectly from the "Thousand and One Nights." In Miss Busk's collection, p. 158, we find the story of "Aladdin's Lamp" under the title, "How Cajusse was married." A number of new traits have been attached to the old story. When the wizard is about to send Cajusse down into the cave, he tells him he will come to a place where there is a beautiful garden, at the gate of which sits a fierce dog. Cajusse is to throw him some bread and cheese, and pass on and seize the lamp. Everything else happens as in the old familiar story, only the narrator misses the point of the unfinished window in the palace built by magic.

Another peculiar trait is that when the magician obtains possession of the lantern and carries off the princess, Cajusse follows her and learns that the magician is immortal, or rather can only be killed in a peculiar way; "one must go into a wood where is the beast called hydra, and cut off all its seven heads. In the head which is in the midst of the other six, if it is split open, will be found a leveret; if this leveret is caught and his head split open, there is a bird; if this bird is caught and his head split open, there is in it a precious stone. If that stone is put under my pillow I must die." And sure enough, when he lay his head on the pillow under which the stone was, "he gave three terrible yells, turned himself round and round three times, and was dead." *

There are two versions of "Aladdin's Lamp" in Pitrè, LXXXI.: one from Messina, which does not contain the episode of the fatal stone; and another from Palermo, that does. Miss Busk says, she has other of the "Arabian Nights" stories told with the local coloring of characters and incidents proper

* This episode of a giant or magician having his life, so to speak, in some other place, is repeated in a great number of Aryan tales. See the Norse tale of "The Giant who had no Heart in his Body," the Russian (Ralston, Russian Folk-Tales, p. 109) "Koschei the Deathless," and the Hindoo tale of "Punchkin," in Miss Frere's "Old Deccan Days." In Comparetti (No. 32) there is a peculiar version of the Grimm story of the "Two Brothers," in which the life of a fairy depends on an egg which is in the body of a tiger with seven heads.

to the neighborhood of Rome; particularly various versions of the "Forty Thieves," of which there are also reminiscences in Pitrè. In one story (XXIII.) the captain conceals twelve of his band in oil-skins, and sells them to the abbess of a certain convent for oil. One of the nuns has some suspicion of the trick, and invites her companions to tap the skins with red-hot irons, which are as effectual as the boiling oil in the Arabian story.

The collections before us contain a large number of stories of undoubted Oriental origin, which are also very popular, but which do not belong to the class of stories to which we have thus far devoted our attention. They are mostly fables, or of the class the Germans call *schwänke*, and most of them were imported into Europe in the various versions and translations of the Pantschatantra, the "Seven Wise Masters," and the *Disciplina Clericalis*. From the first is derived the story that La Fontaine has made popular under the title of *L'Ours et l'Amateur des Jardins*, Liv. VIII. 10.*

The simplest version is from Sicily (Pitrè, CXC. 3 var.), and is told of the typical booby Giufà, whom we shall mention later. "The flies plagued Giufà, so that he went to the judge and brought a complaint against them. The judge laughed and said, 'Wherever you see a fly you can strike it.' While the judge was speaking, a fly rested on his face, and Giufà dealt it such a blow that he broke the judge's nose." A few fables are scattered through the various collections, the largest number being in Pitrè, CCLXXI. – CCLXXX. Among these are the Æsopian fables of the "Cricket and the Ants," the "Town and the Country Mouse," and the "Lion, the Wolf, and the Fox." Two others, *Brancaliuni*, and the "Wind, Water, and Honor," are also in Straparola.†

A very popular fable, of Oriental origin,‡ is the one entitled "The Man, the Wolf, and the Fox," of which there are versions in Pitrè (CCLXXIII.), Gonz. No. 69, and Comparetti, No. 67. Finally, there is the fable of the fox, who pretended to be dead, and was picked up by a countryman who was carrying fish to

* See Max Müller, "Chips," II. 231; Benfey, Pant. I. 296. There is a version also in Morlini, XXI., whence it passed into Straparola, XIII. 4.

† X. 2; XI. 3; Æsopus ed. Furia, 121, 198, 233.

‡ See Benfey, Pant. I. 113.

market. The fox threw out the fish, and then escaping, picked them up at her leisure. The wolf wants to know where the fox got all those fine fish, and she shows him how to fish for them from a high rock, with a pitcher tied to his tail; the result being of course that he falls into the sea and is drowned.*

Far more curious, however, than any of the Oriental stories yet mentioned, is a tale which is nothing more than the frame of the famous Çukasaptati, better known by its Persian and Turkish name Tûtî-Nâmeh, "Tales of a Parrot." †

The frame of the various Oriental versions is substantially the same. A husband is obliged to leave home on business. While he is away his wife engages in a love-affair with a stranger. A parrot, which the husband has left behind, prevents the wife meeting her lover by telling her stories, which interest her so much that she keeps putting off her appointment until her husband's return. In the Turkish version (translated by Georg Rosen, Leipzig, 1858), the parrot reconciles the husband and wife; in the Persian versions the parrot relates what has happened, and the faithless wife is killed. From the "Tûtî-Nâmeh" the frame passed with certain variations into the various Oriental versions of the "Seven Wise Masters." Here the story is made to illustrate the craftiness of woman, for the wife manages to convince her husband of the bird's untruthfulness, whereupon he kills it.‡

The "Seven Wise Masters," as is well known, enjoyed during the Middle Ages a popularity second only to that of the Bible; and there are several Italian versions reaching back to the fourteenth century. From some of these, or possibly from some now lost collection of Oriental tales formerly popular in Italy, the story in question must have become widely diffused, for there are versions from Piedmont, Tuscany, and Sicily. The most simple version is from Pisa (Comparetti, No. 1), with the title *Il Pappagallo*, and runs as follows: —

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* See *Roman du Renart*, Paris, 1828, I. p. 29.

† The literature of this famous collection of tales will be best found in an interesting article by Wilhelm Pertsch entitled *Ueber Nachschabî's Papagaienbuch*, in the *Zeitschrift der deutschen morgenländischen Gesellschaft*, Bd. XXI. p. 505 – 551. Brockhaus's rare translation of Nachschabî's eighth night will be found translated into Italian by E. Teza in D'Ancona's *Libro dei Sette Savi di Roma*, Pisa, 1864, pp. xxxvii - lxiv.

‡ De Gub. Zoöl. Myth. II. p. 322, gives a similar story from Turin.

"There was once a merchant who had a beautiful daughter, with whom the king and the viceroy were both in love. The former knew that the merchant would soon have to depart on business, and he would then have a chance to speak with the girl. The viceroy knew it too, and pondered on how he could prevent the king succeeding in his plan. He was acquainted with a witch, and promised her immunity and a large sum of money if she would teach him how to change himself into a parrot. This she does, and of course the merchant buys him for his daughter and departs.

"When the parrot thought it was about time for the king to come, he said to the girl, 'Now, to amuse you, I will tell you a story; but you must attend to me and not see any one while I am telling it.' Then he began his story, and after he had gone a little way in it a servant entered and told her mistress that there was a letter for her. 'Tell her to bring it later,' said the parrot, 'and now listen to me.' 'I do not receive letters while my father is away,' said the mistress, and the parrot continued. After a while another interruption, a servant announces the visit of an aunt (it was not an aunt, says the story, but a woman who came from the king). The parrot said, "Do not receive her, we are in the finest part of our story"; and the young girl sent word that she did not receive any visits while her father was absent, and the parrot went on. When his story was ended, the girl was so pleased that she would listen to no one else until her father returned. Then the parrot disappeared, and the viceroy visited the merchant and asked his daughter's hand. He consented, and the marriage took place that very day. The wedding was scarcely over when a gentleman came to ask the girl's hand for the king; but it was too late, and the poor king, who was much in love with her, died of a broken heart, and the girl remained the wife of the viceroy who had been more cunning than the king."

Another version from Piedmont (Comparetti, No. 2; De Gub. Zoöl. Myth. II. 322) differs materially from the one just given. A king is obliged to go to war and leave behind him his wife, with whom another king is in love. Before the parting he forbids his wife to leave the palace during his absence, and

presents her with a parrot. No sooner had the king departed than his rival attempts to obtain an interview with the queen by giving a feast and inviting her to it. The parrot prevents her going by relating the same story which is contained in the first version. They are interrupted in the same manner by an old woman sent by the lover, but to no purpose. When the story is finished the husband returns, and the parrot becomes a young man whom the king had engaged to watch over his wife's fidelity. The story told by the parrot in the above versions is of no especial interest, except that it is, in the main, also the one given in the Sicilian version, and has some resemblance to a story in the Pentamerone, II. 2, "Verde Prato."

The Sicilian version of our story (a partial translation of which will be found in the *Revue des deux Mondes* above cited) is the most interesting as well as the most complete of all; the single story in the continental versions has been expanded into three, and the frame is more artistic. The story is the second in Pitrè. Here a merchant is obliged to leave his wife, of whom he is insanely jealous. She advises him to shut her up in the house, with plenty to eat. One day, to amuse herself, she looks out of the single window which has been left open; at that moment a gentleman and a notary happen to pass and see her. They immediately make a bet of four hundred ounces as to who will speak with her first. The notary summons an evil spirit and sells him his soul on condition that he wins his bet. The devil then changes him into a parrot, who plays the same *rôle* as in the Italian versions, but relates, as we have said, three stories. When the merchant returns the parrot is placed on the table at dinner, and splashes some of the soup into the husband's eyes, flies at his throat, strangles him, and escapes through the window. The parrot of course resumes his human form, obtains the widow's hand and his four hundred ounces from the *cavaleri*, and afterwards tells his wife the whole story, her only comment being, "I am astounded" (*Io restu alluccuta*).

As we have hinted before, there are three ways in which this story may have become known to the Italians: from some early collection of Oriental tales, such as probably supplied

Straparola with some of his stories, or from the story in the "Seven Wise Masters," or from oral tradition. The connection of Italy with the Orient, by means of its shipping, has always been close; and it is quite possible that the Oriental element in its tales may have been introduced by merchants, travellers, and sailors. This latter theory receives some support from an interesting story in Bernoni, *Trad. pop. venez. Puntata prima*, p. 11, entitled *Vigna era e Vigna son* (Vineyard I was and Vineyard I am), which, in substance, is as follows: —

A king, averse to marriage, commanded his maggiordomo to remain single. The latter, however, one day saw a beautiful girl named Vigna, and married her secretly. Although he kept her closely confined in her chamber, the king became suspicious, and sent the maggiordomo off on an embassy. After his departure the king entered the apartment occupied by the maggiordomo, and saw his officer's wife sleeping. He did not disturb her, but, in leaving the room, dropped one of his gloves accidentally on the bed. When the husband returned he found it, but kept a discreet silence, ceasing however all demonstrations of affection, believing his wife had been faithless. The king, anxious to see again the beautiful woman, made a feast and ordered the maggiordomo to bring his wife, who denied in vain that he had one. He brought her at last, and, while every one else was talking gayly at the feast, she was silent. The king observed it and asked her the cause of her silence; and she answered with a pun on her name: —

"Vigna era e Vigna son,
Amata era e più non son;
E non so per qual cagion,
Che la vigna à perso la so stagion."

Her husband, who heard this, replied: —

"Vigna eri e Vigna sei,
Amata eri e più non sei:
Per la branca del leon
La Vigna à perso la so stagion."

The king, who understood what he meant, answered: —

"Ne la vigna io son entrato,
Di quei pampini ghe n' ò tocato;
Ma lo giuro per la corona che porto in capo,
Che de quel fruto no ghe n' ò gustato."

"Then, because the maggiordomo understood that his wife was innocent, these two made peace, and always after lived happy and contented."

This story is found only in the Greek and Hebrew versions of the "Seven Wise Masters," and in the Arabic "Seven Viziers." * It did not pass into any of the Occidental versions, although it was known to Boccaccio, who based on it the fifth novel of the first day of the Decamerone. Either then the story is a late adaptation of the Oriental story, which is unlikely, or it comes from some now lost but once popular Italian version of the Oriental form of the "Seven Wise Masters." †

Our space will permit us to notice but one other story that has passed from the Occidental version of the "Seven Wise Masters" into the popular tales of Italy. This is the story technically known as "The Treasure House," and which is nothing more than the Egyptian story of the "Treasury of Rhampsinitos." This story was a favorite among the more cultivated classes, and is found in the Pecorone, IX. 1, and in Bandello, Pt. I. nov. XXV. There are numerous versions of it in the collections before us, three from Sicily (Pitrè, CLIX., CX. and variant), two from Bologna (Coronedi-Berti, II., VI.), and one from Monferrato (Comparetti, No. 13).

Legends, properly so called, do not fall within the scope of the collections we are now examining. The Italians, in common with the rest of Europe, possess a mass of literary legendary lore, much of which is also truly popular; but at present we have only to do with those purely popular traditions which have clustered about our Lord and his Apostles, and one or two of the favorite subjects of mediæval legends. The popular religious traditions of Italy do not differ in spirit from those of the rest of Europe; like them they are marked by a simplicity amounting at times to a familiarity, which, however shocking to our ideas, is not intended for irreverence.

A number of these legends turn (as do many in the North of Europe) upon imaginary journeys of our Lord upon earth,

* See Sengelmann, *Das Buch von den sieben weisen Meistern*, Halle, 1842, pp. 40, 87; *Tausend und Eine Nacht, Deutsch von Max Habicht, von der Hagen und Schall*, Breslau, 1836, Vol. XV. p. 112; Keller, *Li Romans des sept Sages*, p. cxxxviii.

† See also Pitrè LXXVI., and Vigo, *Canti pop. sicil.* no. 5145.

when he punishes the avaricious and rewards the generous and hospitable. He is generally accompanied by Peter, who plays the *rôle* of the clown, trying our Lord's patience sorely, and often needing his direct intervention to avoid the unpleasant consequences of some escapade. One of these stories (Pitrè, CXXIII.) is found everywhere from Sicily to Norway. The Sicilian version is as follows: "One day while the Lord and the Apostles were journeying, St. Peter, being somewhat in advance of the others, met a man and said, 'The Lord is near by, ask him for the grace of your soul.' So he approached and said, 'Lord, my father is sick of old age. Cure him, Master.' 'Am I a doctor? Do you know what you must do? Put him in a hot oven, and he will become a child.' The man did so, and his father became young again. This pleased St. Peter, and when he found himself alone he went about trying to make children of some old men. Just then he met a man who was seeking the Master, because his mother was at the point of death and he wanted her cured. St. Peter said, 'Whom are you seeking?' 'The Master, for my old mother is very sick, and the Master alone can heal her.' 'Very good, I am Peter; do you know what you must do? — heat an oven, put her in it, and she will be cured.' The poor man believed him, because he knew that St. Peter was a favorite of the Lord, so he went home and put his mother in the hot oven. What more could you expect? The old woman was burned to a coal. 'Ah! *santu di ccà e di ddà!*' cried her son, 'that scurvy fellow has made me kill my mother!' He hastened to St. Peter. The Master was present, and when he heard the story could not control his laughter, and said, 'Ah! Peter, what have you done?' St. Peter tried to excuse himself, but the poor man kept crying for his mother. What did the Master do? He went to the house of the dead, and with a blessing which he pronounced there, he made the old woman come to life again as a beautiful young girl, and thus St. Peter was relieved of his great embarrassment." *

* See Asbjörnsen and Moe, No. 21; Ny Samm. No. 101; Grimm, No. 147, *Das junge geglühte Männlein*. There is an old Italian version of this story in the *Cento Novelle Antiche*, No. LXXV., where, instead of St. Peter, a greedy minstrel who is a follower of the Lord undertakes to perform one of his miracles. For the sources

St. Peter's mother is the subject of a story which has given rise to a wide-spread proverb. She was, so runs the story, an avaricious woman, who never was known to do good to any one. In fact, during her whole life, she never gave anything away, except the top of an onion to a beggar-woman. After her death, St. Peter's mother went to Hell, and the saint begged our Lord to release her. In consideration of her one charitable act an angel was sent to draw her from Hell with an onion-top. The other lost spirits clutched hold of her skirts in order to escape with her, but the selfish woman tried to shake them off, and in her efforts to do so broke the onion-top, and fell back into Hell. This story has given rise to the saying, "Like St. Peter's mamma," which is found with slight variations all over Italy.*

St. Peter's sisters are the subject of a story with a moral, contained in Schneller, p. 6: "St. Peter had two sisters, one large, the other small. The little one entered a convent and became a nun. St. Peter was delighted at this, and tried to persuade his big sister to become a nun also. She would not listen to him, however, and said, 'I would rather marry.' After St. Peter had suffered martyrdom, he became, as is well known, Porter of Heaven. One day the Lord said to him, 'Peter, open the gates of heaven to-day as wide as you can, and get out all the heavenly ornaments and decorations, for

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of this story see A. D'Ancona, *Le Fonti del Novellino* in the *Romania*, No. 10, p. 180. This is the Grimm story of "Brother Lustig."

A more amusing version of this tale is in the *Volksmärchen aus Venetien*, No 5 (Jahrb. VII. p. 28), where, as in the Norse story, our Lord enters the shop of a proud smith, and in his presence forges the venerable St. Peter over into a handsome young man. The smith tries the same experiment on his father, with the same result as in the Sicilian story. There are other versions of this story in De Gub. St. Stefano, No. XXXI., and in Jahrb. VII. 396, from Leghorn.

* This tradition is not confined to Italy, but is found in Servia and Greece. See an article on the subject by Tommaseo, reprinted in Gradi, *Saggio di Letture Varie*, Torino, 1865, p. 55. A curious version of this story is given in Bernoni, *Leggende Fantast.* VIII. After the onion-top was broken and St. Peter's mother has fallen back into Hell, the story continues: "Out of regard, however, for St. Peter, the Lord permitted her once a year, on St. Peter's day, to leave hell and wander about the earth a week; and indeed she does so every year, and during this week she plays all sorts of pranks and causes great trouble." This reminds one of the "Sabbath of the Damned." See Douhet, *Dictionnaire des Légendes*, Paris, 1855, p. 1040.

to-day a very deserving soul is going to arrive here.' . St. Peter did as he was told with great joy, and thought, 'Certainly my little sister is dead, and is coming to heaven to-day.' When everything was ready, there came the soul of — his big sister, who had died and left many children, who bitterly lamented her loss. The Lord gave her an exalted place in heaven, much to the astonishment of St. Peter, who thought, 'I never should have imagined this; what shall I have to do when the soul of my little sister comes?'

"Not long after the Lord said to him, 'Peter, open the gate of heaven to-day a little way, but a very little,— do you hear?'

"St. Peter did so, and thought, 'Who is coming to-day?' Then came the soul of his little sister, and had so much trouble to squeeze through the gate that she hurt herself; and she received a much lower place in heaven than the big sister. At first St. Peter was amazed; afterwards he said, 'It has happened differently than I imagined; but I see now that every profession has its merits, and every one, if he only wants to, can enter heaven.'"

There are in Sicily several interesting legends relating to Pilate, Marco, and Judas. The first (Pitrè, CXIX.) sits in a gloomy cavern, intently perusing the sentence he passed on Christ; the second (Pitrè, CXX.), who struck our Lord, is condemned to wander about a column in a subterranean abode. He constantly beats his hand against the column and dashes his head against the walls of his cell. Judas (Pitrè, Vol. I. p. cxxxviii) is believed to have hanged himself on a tamarind-tree which, before that time, was a tall, beautiful tree.* After Judas's death it became the diminutive, shapeless shrub called *vruca*, which is a synonyme for all that is worthless. The soul of Judas is condemned to wander through the air, and every time it sees this shrub it pauses, and imagines it beholds its miserable body dangling from it.

The Wandering Jew is well known to Italian tradition, and was seen in Sicily not long ago (Pitrè, Vol. I. p. cxxxiii).

There are also versions of the legend of St. Silvester and Constantine (Pitrè, CXVIII.), and of Gregorius (Gonzenbach,

* See Pitrè, *Appunti di Botanica populare Siciliana* in the *Rivista Europea*, May, 1875, p. 441.

No. 85, Knust No. 7 in Jahrb. VII. p. 391), which do not differ from the literary legends of Italy and the rest of Europe.

There is in Sicily an interesting legendary story which contains an account of the other world, with its joys and pains. There are two versions (Pitrè, CXI.; Gonz. 88); the former is entitled *Lu Giuvini di lu Furnaru*, the "Baker's Apprentice," and is briefly as follows:—

A baker every day loads with a certain quantity of bread a horse which comes to the oven, and then disappears in a mysterious manner. One day the baker sends his apprentice to follow the horse; they come to a river of milk, and while the lad stops to dip his bread in it the horse disappears. The same thing is repeated the next day, except that they come to a river of wine instead of milk. The next day the apprentice ties himself to the horse and follows him to a rich pasture filled with lean animals, and directly after to a poor pasture filled with fat animals. Then they meet a sow with her tail full of knots, and a frog trying in vain to pick up a crumb of bread. Then they came to a door where the apprentice saw a beautiful woman, who was the Virgin. She made him come in, heard his story, and showed him where the bread went to, namely, to feed the souls in Purgatory. Then she explained to him what he had seen on the way: the river of milk was the nourishment she had given to her son; the wine was that which he had consecrated; the oil, what is asked in charity from her and the Lord. The lean cattle are the rich, the fat are the poor; the sow represents those who say their prayers carelessly; the frog is one who once refused a poor person bread. The Virgin then took him by the hand and led him into Hell and Purgatory. The apprentice was too much confused to accompany the Virgin to Paradise, so she showed him through a window three seats, one for himself, one for his master, and one for his mistress. Then she made him close his eyes a moment, and when he opened them he found himself at home; and when he had finished telling his story to his master and mistress, all three died and went to Paradise.*

* Curiously enough, this story has no parallels in the rest of Italy, but is more or less popular in the rest of Europe. A French version will be found in Bladé, *Contes populaires recueillis en Agenais*, Paris, 1874, p. 122. See also the same

The most famous story of the class we are considering is, however, that one best known by its French title, *Bonhomme Misère*. The French version was popular as a class-book as long ago as 1719, running through fifteen editions from that date.* The editor of the reprint referred to in the note, as well as Grimm, III. 142, believed the story to be of Italian origin, and that the original would some day be discovered. This has proved to be the case, and we now have before us a number of versions.† These versions may be divided into two classes: one independent, the other constituting a part only of some other story. This latter class is generally connected with the cycle of our Lord's journeys upon earth, and is represented by "The Master Thief" and "Brother Lustig," in Germany, and "Beppo Pipetta" (*Venetianische Volksm*, No. 7), in the territory of Venice.

The version from Rome is an amalgamation of two Tuscan versions in the *Novelline di Santo Stefano*, Nos. XXXII., XXXIII. The first of these is entitled *Compar Miseria*, and is as follows: —

"Compar Miseria was old, — God knows how old! One day Jesus and St. Peter, while wandering through the world in order to name the countries, came to Compar Miseria's, who offered his two visitors some polenta, and gave them his own bed. Jesus, pleased with this reception, gives him some money, and grants him these three favors: that whoever sits on his bench near the fire cannot get up, that whoever climbs his fig-tree cannot descend, and finally, out of regard to St.

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author's *Contes et proverbes pop. recueillis en Armagnac*, p. 59. A Norwegian version is in Asbjörnsen, *Norske Folk-Eventyr*, Ny Samm. No. 62, *Venner i Liv og Död*, which has a parallel in Iceland; see Maurer's *Island. Volkssagen*, p. 198. See also Ralston's "Russian Folk-Tales," p. 306, for the same story, which is intimately connected with the popular myth of the "Seven Sleepers," so well known to us in the form of "Rip Van Winkle."

* The edition of 1719 is reprinted in *De la littérature populaire en France. Recherches sur les origines et les variations de la légende du bonhomme Misère*, Paris, 1861. See also the *Jahrbuch für romanische und englische Literatur*, Vol. V. p. 24.

† Pitrè, CXXIV., CXXV.; Novelline di St. Stefano, XXXII.; Venetianische Volksm. No. 7; Schneller, No. 17; Busk, p. 183; Comparetti, Nos. 35, 49. A translation of Pitrè, CXXV., will be found in the *Revue des deux Mondes*, mentioned before.

Peter, the salvation of his soul. One day Death comes to Compar Miseria, and wants to carry him off. Compar Miseria says it is too cold to travel. Death presses him; then he asks her (Death of course is feminine in Italian) to sit by the fire and warm herself a moment, and he will soon be ready. Meanwhile he piles wood on the fire; Death feels herself burning, and tries to move, but cannot, so she has to grant Compar Miseria another hundred years of life. Death is released, and the hundred years pass and Death returns. Compar Miseria is at the door, pretending to wait for her, and looking at his fig-tree in sorrow. He begs Death to pick him a few figs for their journey. So Death climbs up, but cannot descend until she grants Compar Miseria another hundred years. Even these pass, and Death reappears. This time there is no help, he must go. Death gives him time only to recite an *Avemaria* and a *Paternoster*. Compar Miseria, however, cannot find this time, and says to Death, who is hurrying him, 'You have given me time, and I am taking it.' "

Of course Compar Miseria never does say his *Avemaria* and *Paternoster* in spite of Death's stratagems, and the story ends with, "So Death departed in despair, and never got hold of him again. Compar Miseria still lives, since misery never ends."

In the next story in the *Novelline di St. Stefano*, similar gifts are granted to a smith, "a good Christian," to enable him to avoid a contract he had made with the Devil to prolong his life.

The most entertaining of all the Italian versions is that of "Beppo Pipetta," in which, without any apparent motive, a stranger gives Beppo a sack that has the magic property of making any one enter it when its owner wishes.*

When Beppo grew old Death came for him, but was forced to enter the sack. We give the rest of the story in the words of the original: —

"'What!' exclaimed Death, 'shall I, who have so much to do, loiter my time away here?'

"'Just stay where you are, you old villain,' replied Beppo,

* This is the sack of *La Ramée* in Cénac Moncaut's *Contes pop. de la Gascogne*, Paris, 1861. See also references to parallel tales of all parts of Europe in *Jahrb. für rom. und eng. Lit.* Vol. V. p. 4.

and did not let him out for a year and a half. Then there was universal satisfaction throughout the world, the physicians being especially jubilant, for none of them ever lost a patient. Then Death begged so humbly, and represented so forcibly what would be the consequences of this disorder, that Beppo agreed to let him out on condition that Death should not come back for him unless he was willing. Death departed, and sought by means of a few wars and pestilences to make up for lost time. At length Beppo grew so old that life became distasteful to him. Then he sent for Death, who, however, would not come, fearing lest Beppo might change his mind. So the latter decided to go himself to Death. Death was not at home, but, remembering his vacation in the sack, had prudently left orders that in case a certain Beppo Pipetta should come, he was to be beaten soundly, — an order which was executed punctiliously. Beaten and cast out by Death, he went sadly to Hell, but there the Devil had given the porter orders to show him the same attention that he had received at Death's abode, and that command was conscientiously obeyed.

"Smarting from the blows he had received, and vexed that neither Death nor the Devil wanted him, he went to Paradise. Here he announced himself to St. Peter, but the saint thought that he had better first consult the Lord.

"Meanwhile Beppo threw his cap over the wall into Paradise. After he had waited awhile, St. Peter reappeared and said, 'I am very sorry, but our Lord does n't want you here.' 'Very well,' said Beppo, 'but you will at least let me get my cap'; and with that he slipped through the door and sat down on the cap. When St. Peter commanded him to get up and begone, he replied composedly, 'Gently, my dear sir! at present I am sitting on my own property, where I do not receive orders from any one!' And so he remained in Paradise."

In the Roman version (*Pret' Olivo*, Busk, p. 183) another curious feature is introduced. Pret' Olivo starts off with Death and asks to be taken to the gates of Hell to play a game of cards with the Devil. The stakes are the priest's soul against the soul of the last comer in Hell. Pret' Olivo of course wins, and hangs the soul he has gained on his cope, and keeps on winning until his cope will not hold any more souls, and Death

becomes very impatient. When they arrived at Paradise, St. Peter scolded Death for wasting his time in bringing up souls not properly consigned to her. Death laid the blame on Pret' Olivo; and St. Peter, after permission from the Lord, admitted them all.

The little work by Bernoni, entitled *Leggende Fantastiche*, contains, properly speaking, only superstitions. Three of the stories turn on a curious idea of the sacred character of godfathers and godmothers (*compari de San Zuane*) and of groomsmen and bridesmaids.* The same idea prevails in Sicily, where (Pitrè, CX.) a singular story is told of two *compari*, who were improperly intimate. The husband of the woman was in jail for some offence, and one day the two *cumpari* bought a melon and took it to him. When they cut it, they found inside the head of St. John, who had put it in there to convict the *cumpari* of their sin. The story ends with the words: "It became known at once to the justice; they were arrested, and confessed their wrong, the prisoner was set at liberty, and the *cumpari* were hanged."

In one of the *leggende* a *compare* of St. John promises his fellow *compare* to meet him at a certain place and date, — "*parola de San Zuane de no mancar.*" At the appointed time, while one of the friends is waiting for the other, he hears of his death some days before, but does not believe the news, for he suddenly sees his friend advancing to meet him. After a few words, however, he disappears, as he is really dead, but has been permitted to keep his appointment on account of his oath.

Another story is of two lovers, who swore fidelity in life and death. The lover is killed in a street brawl, but continues nevertheless to visit his mistress as usual, who slowly pines away. Her father discovers the secret visits of the dead lover, and informs the priest, who comes with stole and book, conjures the spirit, and saves the girl.

The belief in spirits is wide-spread in Venice, and one of Bernoni's stories (translated in the "Cornhill Magazine") relates the manner in which an incredulous priest was cured of his unbelief. Another is a genuine ghost-story about a servant-girl who, rising early one morning (the *note dei morti*, All

* Two of these stories are in the "Cornhill Magazine" for July, 1875.

Saints' Day), witnesses a weird procession, which she unwittingly disturbs by lowering her candle and asking the last passer-by to light it. This he does, but when she pulls up her basket she finds in it, besides the lighted candle, a human arm. The confessor tells her to wait a year until the procession passes again, then hold a black cat tightly in her arms, and restore the arm to its owner. This she does with the words, "Here, master, take your arm, I am much obliged to you." He took his arm angrily, and said, "You may thank God that you have that cat in your arms, otherwise what I am that you would be also."

The story of Don Juan turns up in the seventh of Bernoni's *leggende*. A rich young man who did nothing but eat, drink, and amuse himself gave a feast. While the preparations were making he happened to pass through a street where there was a cemetery. He perceived a skull, which he kicked out of his way, and said scornfully, "You, too, will come this evening to my supper, will you not?" At midnight the bells ring, and a ghost (*na fantasma grande*) appeared to the servants: "Tell Count Robert that I am he whom he invited this morning to his banquet." The Count is not so brave as Don Juan, but in great trepidation causes the doors to be closed. The ghost breaks them in, and exclaims, "Robert, Robert, is it not enough that you have profaned everything; will you also disturb the dead? The end has come!" Then, while the guests fled in terror, the ghost strangled Robert, and carried him off.

The ninth and last of Bernoni's legends is a story about Massariol, the domestic spirit of the Venetians. A man of family, whose business takes him out at night, finds in the street a basket containing an infant. The weather was very cold, so the good man carries the foundling home; and his wife, who already has a young child, makes the little stranger as comfortable as possible. He is cared for, and put in the cradle by the side of the other child. The husband and wife have to leave the room a moment; when they return, the foundling has disappeared. The husband asks in amazement, "What can it mean?" "She answered, 'I am sure I don't know; can it be Massariol?' Then he went out on the bal-

cony, and saw at a distance one who seemed like a man, but was not, who was clapping his hands, and laughing and making all manner of fun of him, and then suddenly disappeared."

The same mischievous spirit plays many other pranks. Sometimes he cheats the ferrymen out of their toll; sometimes he disguises himself like the baker's lad, and calls at the houses to take the bread to the oven, and then carries it away to some square or bridge; sometimes, when the washing is hung out, he carries it off to some distant place, and when the owners have at last found their property, Massariol laughs in their faces and disappears. The woman who related these stories to Bernoni added: "Massariol has never done anything bad; he likes to laugh and joke and fool people. He, too, has been shut up, I don't know where, by the Holy Office,— the same as the witches, fairies, and magicians."

There is a tendency in the popular tales of all countries to personify certain traits of character. In Italy, the personification of stupidity is Giufà, — a character well known under different names from one end of Italy to the other, and who finds his counterpart in the popular traditions of other countries.

Many of the stories of Giufà find a close parallel in other European tales. Giufà's mother (Pitrè, CXC. 1) sends him out to sell a piece of cloth, telling him to beware of purchasers who talk much. Giufà consequently sells the cloth to a statue, saying he will call for the money the next day. When the statue maintains its usual silence in regard to the payment, Giufà, in anger, breaks it to pieces and finds it full of gold.* We have already mentioned the story of Giufà and the flies, when speaking of the influence of the Orient.

One morning Giufà's mother (Pitrè, CXC.) sends him out to shoot a *cardidduzzu* (cardinal-bird), explaining that it is something with a red head. Giufà of course shoots a cardinal, whom he happens to meet, and carries him home on his back.

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* The same story is told by Miss Busk, "The Booby," p. 371, and is in the Pentamerone, I. 4. It is probably founded on the well-known fable of Æsop, *Homo fractor Simulacri* (ed. Furia, No. 21), which seems very widely spread. A Russian version, from Afanasieff, is in *De Gub. Zoöl. Myth.* Vol. I. p. 176. See also Benfey, Pant. I. p. 478.

The mother is in despair, but Giufà advises her to conceal the body in a well and cover it with stones. Then he threw in a dead sheep and more stones. When the officers of justice came, they made Giufà descend into the well and throw out the stones, in order to see whether there was anything concealed under them. When he came to the sheep, Giufà cried out, "Signori, Signori, the cardinal has got horns!" And after the sheep was pulled out, the officers went away, and Giufà once more escaped the punishment of his folly.*

In spite of his stupidity, he has occasional gleams of wit, as the following story shows:—

Giufà, who has been neglected by his wealthy relatives on account of his shabby appearance, borrows some good clothes, and is straightway invited to a banquet. While at table he puts food in his pockets and rubs meats over his clothes. When asked the explanation of this curious conduct, he replies that his clothes and not himself were invited to the feast.†

Another popular figure in Sicilian tales is Firrazzanu, the practical joker and knave, who is cunning enough to make others bear the penalty of his own boldness. The queen wishes to make the acquaintance of his wife; he tells her that she is very deaf. He then goes home and tells his wife of the honor the queen is about to do her in receiving her, and advising her to speak very loudly, for the queen is very deaf. He takes his wife to the palace, and, hiding behind a door, enjoys the scene until his trick is discovered. His master wants a tailor for some work, and Firrazzanu tells him he knows of a good one; but he is subject to fits, which always make their approach known by a twitching of the mouth, and the only remedy for them is a sound beating. Of course, when the unhappy tailor begins to cut his cloth he twists his mouth, and receives, to his amazement, a sudden beating.

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* This story is in Straparola, XIII. 4; and also in one of the North European collections, Asbjörnsen, *Norske Folk-Eventyr*, Ny Samm. No 87, where the mother substitutes a goat for the parson whom her foolish son has killed.

† It is interesting to note that this story is told of no less a person than Dante, about whom cluster more popular traditions than many are aware of. It is the subject of one of Giovanni Sercambi's novels, and will be found with many other interesting traditions of the great poet in *Dante secondo la Tradizione e i Novellatori, Ricerche di Giovanni Papanti*, Livorno, 1873, p. 65.

Some of Firrazzanu's jokes are found in Straparola, as, for instance, where a master orders his lazy servant to go to market and buy some meat, and says to him, "Go, and stay a year!" which command the servant obeys to the letter.

Another of his jokes is found in Sachetti's novels (XXVII.). The Marchese Obizzo da Este commands his clown Gonnella to depart and never put his foot on his territory again. The clown shortly after makes his appearance, riding on a cart filled with earth from Bologna.

As with Giufà, so the tricks of Firrazzanu are spread over the whole of Italy, and may be found scattered through various collections of jest-books, as those containing the jokes of Bertaldo and Gonnella.

Pitrè's is the only one of the collections before us containing local traditions and stories illustrative of proverbs and proverbial sayings. Our space and the scope of this article will not permit us to notice these interesting contributions to the popular literature and traditions of Italy. It is to be hoped that Pitrè's example will be followed in Italy, not merely in regard to the collection of popular tales, but of local traditions, which it is to be feared are rapidly disappearing.

It remains to examine, briefly, the bearing of the new materials before us on the question of the origin and diffusion of popular tales. While the Italian collections do not afford any decisive evidence in favor of either Grimm or Benfey's theory, they do, it seems to us, confirm some of the arguments in favor of the primitive Aryan origin of popular myths. If the theory of Grimm is true, then we should expect to find the Italian tales just what they are; essentially the same as those of Norway, Germany, France, Spain, and Greece. If the theory of Benfey is correct, then this resemblance is merely additional proof of the wonderful diffusion of the Oriental tales,—a diffusion and popularity difficult to explain on the theory of the literary extraction of these stories.

The Oriental and literary origin of many of the tales before us is not questioned; they passed from such mediæval collections as the "Seven Wise Masters" among the people, and became truly popular and widely extended. These stories are of such a character that we can imagine men circulating them, but it is

very different with the fairy tale. It is the property of the nursery, of children and women, who have kept alive for us these remains of our primitive Aryan beliefs, and it is difficult to imagine men entertaining each other with stories of the class of Cinderella and Dornröschen. All collectors of stories bear testimony to the difficulty they have in obtaining them. Hahn, in the introduction to his *Griechische und Albanesische Märchen*, p. 11, says, that during a residence of twenty-seven years in the Levant he never heard a single märchen related, although he lived on the most intimate terms with the peasants. When he undertook to collect them, it was only by the liberal expenditure of money that he forced the people to overcome their aversion to relating what they deemed childish, and the Greek government hinted to the collector that his conduct seemed undignified.

Professor C. F. Hartt, now in charge of the geological survey of Brazil, says in an interesting pamphlet on the "Amazonian Tortoise Myths" (Rio de Janeiro, 1875), p. 2: "For a long time I was baffled, for the whites, as a general rule, were unacquainted with the Indian folk-lore, and neither by coaxing nor by offers of money could I persuade an Indian to relate a myth. . . . . I soon found that the Indian myth was always recited without mental effort, its function being simply to please, like a ballad, and not to communicate information," etc. This is the general experience of all collectors, especially of strangers,* and we may accept as true Max Müller's statement ("Chips," II. 216), that "nursery tales are generally the last things to be adopted by one nation from another."

Although Benfey, notably in his masterly introduction to his translation of the Pantschatantra and others, have accomplished much in this field, much yet remains to be done. There is a wealth of Oriental tales yet unedited, and possibly future researches may discover more intermediate stages between the Eastern and the Western tale.

It seems to us that the advocates of the theory of Benfey lay too great stress on the mere resemblance of Western to Eastern tales, as if two similar stories must necessarily be derived one from the other, to the exclusion of a source common

* See Miss Busk's "Folk-Lore of Rome," p. viii.

to both. Nor is the matter settled when the distinctive Buddhistic character of the Eastern prototype is proved; for there was nothing, it seems to us, to prevent the reception into the Buddhistic legends of much that was the common property of the Aryans.

Aside, however, from any light which they may throw directly upon the above question, the collections before us are valuable for the large mass of excellently arranged material which they offer to the investigator. It merely needs to be compared (what Köhler has already partially done in his notes to Gonzenbach) with the folk-lore of the rest of Europe, of which the Italian contingent will henceforth form a large and valuable portion.

T. F. Crane.

Art. III. — Houses of the Mound-Builders.

Under the name of Mound-Builders certain unknown tribes of the American aborigines are recognized, who formerly inhabited as their chief area the valley of the Ohio and its tributary streams. Traces of their occupation have been found in other places, from the Gulf of Mexico to Lakes Erie and Superior, and from the Alleghanies to the Mississippi, and in some localties west of this river.

Without entering upon a discussion of these works, this article will be confined to four principal questions: I. The house-life of the American aborigines, in the usages of which the Mound-Builders were necessarily involved. II. The probable centre from which the Mound-Builders emigrated into these areas. III. The uses for which their principal earth-works were designed, with a conjectural restoration of one of their pueblos; and, IV. The probable numbers of the people.

The Mound-Builders have disappeared, or at least have fallen out of human knowledge, leaving these works as the only evidence of their existence. Consequently the proposed questions, excepting the first, are incapable of specific answers; but they are not beyond the reach of approximate solutions. The mystery in which these tribes are enshrouded, and the

unique character of their earth-works, will lead to deceptive inferences, unless facts and principles are carefully considered and rigorously applied, and such deductions only are made as they will fairly warrant. It is easy to magnify the significance of these remains and to form extravagant conclusions concerning them; but neither will advance the truth. They represent a status of human advancement forming a connecting link in the progressive development of man. If, then, the nature of their arts, and more especially the character of their institutions, can be determined with reasonable certainty, the true position of the Mound-Builders can be assigned to them in the scale of human progress, and what was possible and what impossible on their part can be known.

I. *The house-life of the American aborigines, in the usages of which the Mound-Builders were necessarily involved.*

It will be assumed that the tribes who constructed the earth-works of the Ohio valley were American Indians. No other supposition is tenable. The implements and utensils found in the mounds indicate very plainly that they had attained to the Middle status of barbarism. They do not fully answer the tests of this condition, since they neither cultivated by irrigation, so far as is known, nor constructed houses of adobe bricks or of stone; but, in addition to the earth-works to be considered, they mined native copper and wrought it into implements and utensils,—acts performed by none of the tribes in the Lower status of barbarism; and they depended chiefly upon horticulture for subsistence. They had also carried the art of pottery to the ornamental stage, and manufactured textile fabrics of cotton or flax, remains of which have been found wrapped around copper chisels. These facts, with others that will appear, justify their recognition as in the same status with the Village Indians of New and Old Mexico and Central America. They occupied areas free from lakes as a rule, and, therefore, the poorest for a fish subsistence. This shows of itself that their chief reliance was upon horticulture. The principal places where their villages were situated were unoccupied areas at the epoch of European discovery, because unadapted to tribes in the Lower status of barbarism, who depended upon fish and game as well as upon maize and plants.

A knowledge of the general character of the houses of the American aborigines will enable us to infer what must have been the general character of those of the Mound-Builders. This, again, was influenced by the condition of the family. Among the Indian tribes, in whatever stage of advancement, the family was found in the pairing form, with separation at the option of either party. It was founded upon marriage between single pairs, but it fell below the monogamian family of civilized society. In their condition it was too weak an organization to face alone the struggle of life, and it sought shelter in large households, formed on the basis of kin, with communism in living as an incident of their plan of life. While exceptional cases of single families living by themselves existed among all the tribes, it did not break the general rule of large households, and the practice in them of communism in living. These usages entered into and determined the character of their house architecture. In all parts of North and South America, at the period of European discovery, were found communal or joint-tenement houses, from those large enough to accommodate five, ten, and twenty families, to those large enough for fifty, an hundred, and, in some cases, two hundred families. These houses differed among themselves in their plan and structure as well as size; but a common principle ran through them which was revealed by their adaptation to communistic uses. They reflect their condition and their plan of life with such singular distinctness as to afford practical hints concerning the houses of the Mound-Builders.

A few illustrations may be given from different parts of the continent. The Kutchin, of the Yukon River, construct skin lodges, which are comparted in the interior and large enough for several families. Lewis and Clarke, who visited the tribes of the Columbia River in 1805, remark, generally, that "their large houses usually contain several families, . . . among whom the provisions are common, and whose harmony is scarcely ever interrupted by disputes." * Speaking of one of these houses, they observe that "this large building is two hundred and twenty-six feet in front, entirely above ground, and may be considered a single house, because the whole is under one roof; otherwise it would seem more like a range of

* Travels, Lond. ed. 1814, p. 649.

buildings, as it is divided into seven distinct apartments, each thirty feet square, by means of broad boards set up on end from the floor to the roof. The apartments are separated from each other by a passage, or alley, four feet wide, extending through the whole depth of the house; and the only entrance is from this alley through a small hole about twenty inches wide and not more than three feet high. The roof is formed of rafters and round poles laid on horizontally. The whole is covered with a double roof of bark of white cedar." * This structure was an Indian village. Of the houses of another tribe they remark that they "are uncommonly large; one of them measured one hundred and sixty by forty feet." † The Minnitarees and Mandans, of the Upper Missouri, construct round houses about forty feet in diameter; the external wall consisting of slabs of wood resting at a slope against stringers, and with an inclined roof similarly supported, both of which were coated with earth and clay a foot or more in thickness. Catlin describes this covering as consisting "of a concrete of tough clay and gravel, which became so hard as to admit the whole group of inmates, with their dogs, to recline upon their tops." ‡ The interior was comparted by willow screens, or, in some cases, by suspended skins, forming eight or ten stalls, or apartments, opening upon the central area, in which was the fire-pit. Each stall accommodated a family. In 1862 each village consisted of some forty such houses grouped irregularly and closely together, with an open space in the centre of the village, and with a palisade of round timber set vertically in the ground encircling each. Carver, describing the "great town of the Sawkies," in Wisconsin, remarks, that "it contains about ninety houses, each large enough for several families. They are built of hewn plank, neatly jointed, and covered with bark so completely as to keep out the most penetrating rains." § Wythe, in his "Sketches of Virginia," first published in 1690, furnishes an engraving of a village of the Powhattan Indians called Pomeiok, consisting of seventeen long communal houses and a council house, arranged around an open space and surrounded with a palisade. ‖ Some of the tribes,

* Travels, Lond. ed. 1814, p. 503.
† Ib. p. 428.
‡ O-kee-pa, of the Mandans, p. 7.
§ Travels, etc., Phila. ed. 1796, p. 29.
‖ Sketches, etc., Langley's ed. 1841, Pl. XXI.

as the Ojibwas and the Creeks, constructed small houses large enough for a single family, or for two or three families, in which cases they were usually clustered together instead of being under one roof. In 1790, Mr. Caleb Swan visited the Creek villages, in Georgia, and remarks in his report, that "the smallest of their towns have from twenty to forty houses, and some of the largest contain from one hundred and fifty to two hundred that are tolerably compact. These houses stand in clusters of four, five, six, seven, and eight together, irregularly distributed up and down the banks of the rivers and small streams. Each cluster of houses contains a clan, or family, who eat and live in common." * One additional illustration will suffice for the Northern Indians. The Iroquois constructed long houses, fifty, eighty, and sometimes more than a hundred feet in length, with a passageway through the centre and a door at each end. The interior was comparted at intervals of seven or eight feet, forming stalls, which were open upon the passageway, in the centre of which was a fire-pit for each four apartments. One of the largest villages of the Seneca-Iroquois was visited and described by Mr. Greenhalg in 1677. "Tiotohatton," he remarks, "is on the brink or edge of a hill, has not much cleared ground, and is near the river Tiotohatton, which signifies *bending*. It lies to the westward of Canagora [Canandaigua], about thirty miles; contains about one hundred and twenty houses, being the largest of all the houses we saw, the ordinary being fifty or sixty feet long, with twelve and thirteen fires in one house. They have a good store of corn growing to the northward of the town." † A house with five fires could contain twenty apartments; and, unless some were reserved for storage, would accommodate twenty families. An elderly Seneca woman, now deceased, informed the writer, twenty years ago, that when she was a girl she lived in one of the long houses which they constructed in former times, and that it contained eight families and two fires. Each house was usually occupied by related families, the mothers and their children belonging to the same gens; and each had its matron, which position had been held by the

* Schoolcraft's Hist. Cond., etc., Indian Tribes, V. 262.
† Doc. Hist. New York, I. 13.

mother and grandmother of my informant. Whatever was taken in hunting or fishing, or raised by cultivation by any member of the household, was for the common benefit. Provisions were made a common stock within the house; were cooked at the several fires, and divided at the kettle by the matron of the household, according to the needs of the several families of which it was composed. Here we find communism in living in large households in practical life, and an expression of the principle in the plan of the house itself.

For ground plans and details of the houses of the Village Indians of New Mexico, Yucatan, and Central America, reference is made to an article in Johnson's Cyclopædia on the "Architecture of the American aborigines," prepared by the writer. The institutions, usages, and customs of the Indian tribes discussed in the April number of this *Review*, in an article entitled "Montezuma's Dinner," have a bearing also upon the house-life of the Mound-Builders. We are justified in attributing to the latter whatever was universal in the plan of life of the former. Moreover, it is to these sources of information that we naturally and necessarily turn for an explanation of the earth-works in question. It is rendered probable, therefore, that the Mound-Builders were organized in gentes, phratries, and tribes; that lands were owned in common, either by the tribe or by the gentes; that the family was in the pairing form; that they lived in large households, composed of related families, and practised communism in the household; and that these usages required joint-tenement houses. In these facts of their condition, namely, the weakness of the family which led to large households, and their communism in living which led to joint-tenement houses, an explanation of the houses of the Mound-Builders must be sought.

II. *The probable centre from which the Mound-Builders emigrated into these areas.*

It is well known that the highest type of Village Indian life was found in Yucatan, Chiapas, and Guatemala, and that the standard declines with the advance of the type northward into Mexico and New Mexico; thus tending to show that it was

best adapted to a warm climate. But it does not follow that we must look to these distant regions for the original home of the Mound-Builders. The nearest point from which they could have been derived was New Mexico; and that is rendered the probable point from physical considerations, and still more from their greater nearness in condition to the Village Indians of New Mexico, below whom they must be ranked. The migrations of the American Indian tribes were gradual movements under the operation of physical causes, occupying long periods of time and with slow progress. There is no reason for supposing, in any number of cases, that they were deliberate migrations with a definite destination. With maize, beans, and squashes (the staples of an established horticulture), the Village Indians were independent of fish and game as primary means of subsistence; and with the former they possessed superior resources for migrating over the wide expanses of open prairies between New Mexico and the Mississippi. The movement of the tribes who constructed the earth-works in question can be explained as a natural spread of Village Indians from the valley of the Rio Grande, or the San Juan, to the shores of the Gulf of Mexico, and thence northward to the valley of the Ohio, which was both easy and feasible. Its successful extension for any considerable distance north of the gulf was rendered improbable, by reason of the increasing severity of the climate. There are some reasons for supposing that climate delayed the movement for centuries, and finally defeated the attempt to transplant permanently even the New Mexican type of village life into a northern temperature so much lower during the greater part of the year.

A number of archæologists, who have considered the question of the probable anterior home of the Mound-Builders, are inclined to derive them from Central America. The ground for this opinion seems to be the fact that horticulture must have originated in a semi-tropical region, where this type of village life was first developed; and, therefore, that all the forms of this life were derived from thence. It would be a mistake, as it seems to the writer, to adopt the track of horticulture as that of Indian migration. In its first spread horti-

culture would be more apt to return upon the line of the latter than wait to be carried, by actual migrations, with the people. Moreover, it is unnecessary to invoke such an argument, for the reason that New Mexico had been for ages the seat of horticultural and Village Indians, and was necessarily occupied by them long before the country east of the Mississippi. Every presumption is in favor of their derivation from New Mexico as their immediate anterior home, where they were accustomed to snow and to a moderate degree of cold.*

III. *The uses for which their principal earth-works were designed, with a conjectural restoration of one of their pueblos.*

A brief reference to the character and extent of these works is necessary as a means of understanding their uses. The authors of the volume, "The Ancient Monuments of the Mississippi Valley," remark, in their Preface, that "the ancient enclosures and groups of works personally examined and surveyed are upwards of one hundred. . . . . About two hundred mounds of all forms and sizes, and occupying every variety of position, have also been excavated." † Out of ninety-five earth-works, exclusive of mounds, figured and described in this valuable memoir, and which probably mark the sites of Indian villages, forty-seven are of the same type and may unhesitatingly be assigned to the Mound-Builders; fourteen are groups of emblematical earth-works, mostly in Wisconsin, and may also be assigned to them; but the remaining thirty-four are very inferior as well as different in character. They are not above the works of the Indians in the Lower status of barbarism, and, therefore, do not probably belong to the Village Indians who constructed the works in the Scioto valley. If to those first named are added the emblematical earth-works figured and described by Lapham,‡ and a few other works not known to Squeir and Davis, and since described by

* At the recent meeting of the National Academy of Science at Washington, where this subject was presented, Prof. O. C. Marsh remarked, in confirmation of this suggestion, that, "in a series of comparisons of Indian skulls, he had been struck with the similarity between those of the Pueblo Indians of New Mexico and of the Mound-Builders. As the shape of the Mound-Builder's skull is very peculiar, the coincidence is a very striking one."

† Smithsonian Cont. to Knowledge, Preface, xxxiv. ‡ Ib. Vol. V.

other persons, there are something more than one hundred works, large and small, indicating the sites of Indian villages, of which perhaps three quarters were occupied at the same time.* The conical mounds raised over Indian graves, which are numerous, are not included.

"A large, perhaps the larger portion of these works," observe the same authors, "are regular in outline, the square and circle predominating. . . . . The regular works are almost invariably erected on level river terraces. . . . . The square and the circle often occur in combination, frequently connecting with each other. . . . . Most of the circular works are small, varying from two hundred and fifty to three hundred feet in diameter, while others are a mile or more in circuit." † These embankments are, for the most part, slight, varying from two feet to six, eight, ten, and twelve feet in height, with a broad base, caused by the washing down of the banks in the course of centuries. These facts are shown by numerous cross sections furnished with the ground plans by the authors. But the circular embankments are usually about half as high as the rectangular.

Some idea of the size of Indian villages, and of their nearness to each other, is necessary to form an impression of their plan of life and mode of settlement. The illustrations should be drawn from the Village Indians, to which class the Mound-Builders undoubtedly belonged. Not knowing the use of wells, they established their settlements on the margins of rivers and small streams, which afforded alluvial land for cultivation, and often within a few miles of each other. In the valley of the Rio Chaco, in New Mexico, there were seven pueblos within an extent of twelve miles, each consisting of a single joint-tenement house, constructed usually upon three sides of a court; and westward of them were, and still are, the seven Moque pueblos within an extent of twenty-five miles. At the present time, in the valley of the Rio Grande, a single pueblo house accommodating five hundred persons makes an Indian village. Two or three such houses, as at Taos and Santo Domingo, form a large pueblo; and a group of several such

* When a calamity befalls an Indian settlement it is usually abandoned.

† Smithsonian Contributions to Knowledge, I. pp. 6 and 8.

houses, as at Zuñi, a pueblo of the largest size, which once contained perhaps five thousand persons, now reduced to fifteen hundred. There are no reasons for supposing that any pueblo in Yucatan or Central America contained as high a number as ten thousand inhabitants at the period of the Spanish conquest, although these countries were extremely favorable for an increase of Indian population. Their villages were numerous and small. Castañeda, who accompanied the expedition of Coronado to New Mexico in 1540–1542, estimated the population of the seventy villages visited by detachments and situated between the Colorado River and the Arkansas, at twenty thousand men; which would give a total population in this wide area of a hundred thousand Indians.* There were seven villages each of Cibola, Tucayan, Quivira, and Hemes, and twelve of Tiguex; it would give an average of about fourteen hundred and fifty persons to each village. In all probability these are fair samples as to the number of inhabitants of the villages of the Mound-Builders, with exceptional cases, as the village on the site of Marietta, in Ohio, where there may have been five thousand, if an impression may be formed from the extent of the earth-works occupied in the manner hereafter suggested. Where several villages were found near each other on the same stream, as in New Mexico, the people usually spoke the same dialect, which tends to show that those in each group were colonists from one original village.

The earth-works of the Mound-Builders must be regarded as the sites of their villages. The question then recurs, for what purpose did they raise these embankments at an expenditure of so much labor? They must have lived somewhere, in, upon, or around them. No answer has been given to this question, and no serious attempt has been made to explain their uses. They have been called "defensive enclosures"; but it is not supposable that they lived in houses within the embankments, for this would turn the places into slaughter-pens in case of an attack. Some of them have been called "sacred enclosures," but this goes for nothing apart from some knowledge of their uses. They were constructed for a practical, intelligent purpose, and that purpose must be

* Coll. Ternaux-Compans, Vol. IX. pp. 181–183.

sought in the needs and mode of life of the Mound-Builders as Village Indians; and it should be expressed in the works themselves. If a sensible use for these embankments can be found, its acceptance will relieve us from the delusive inferences which are certain to be drawn from them so long as they are allowed to remain in the category of the mysteries.

It is proposed to submit a conjectural explanation of the objects and uses of the principal embankments, and to advocate its acceptance on the ground of inherent probability. It will be founded on the assumption that the Mound-Builders were horticultural Village Indians who had immigrated from beyond the Mississippi; that as such they had been accustomed to live in houses of adobe bricks, like those found in New Mexico; that they had become habituated to living upon their roof terraces as elevated platforms, and in large households; and that their houses were in the nature of fortresses, in consequence of the insecurity in which they lived. Further than this, that before they emigrated to the valley of the Ohio they were accustomed to snow, and to a moderate degree of winter cold; wore skin garments, and possibly woven mantles of cotton, as the Cibolans of New Mexico did at the time of Coronado's expedition.* The food of the New-Mexicans, at this time, consisted of maize, beans, and squashes, and a limited amount of game, which was doubtless the food of the Mound-Builders. Captain Juan Jaramillo, who accompanied the same expedition, remarks in his relation that the Cibolans "had hardly provisions enough for themselves; what they had consisted of maize, beans, and squashes (*maiz, des haricots, et des courges*). . . . . The Indians clothe themselves with deer-skins, very well prepared. They have also buffalo-skins tanned, in which they wrap themselves." † Although several

* "The snow and cold are wont to be great," Coronado remarks in his relation, "for so say the inhabitants of the country; and it is very likely so to be, both in respect of the manner of the country and of the fashion of their houses, and their furs and other things, which the people have to defend them from cold. . . . . They have no cotton wool growing, because the country is cold, yet they wear mantles thereof, as your honor may see by the show thereof; and true it is that there was found in their houses certain yarn made of cotton wool. . . . . In this country there are certain skins, well dressed, and they dress them and paint them when they kill their oxen [buffaloes], for so they say themselves." — *Hakluyt's Coll. of Voyages*, Lond. ed., 1600, III. 377.

† Coll. Ternaux-Compans, IX. 369.

centuries earlier in time, the Mound-Builders, with habits of life similar to those of the Cibolans in 1540, would understand, besides horticulture, the use of adobe bricks, and the art of constructing long joint-tenement houses, closed up in the first story for defensive reasons, and built in the terraced form two, three, and four stories high, the ascent to the roof of the first story being made by ladders.

If, then, a tribe of Village Indians, with such habits and experience, emigrated centuries ago in search of new homes, and in course of time they, or their descendants, reached the Scioto valley, in Ohio, they would find it impossible to construct houses of adobe bricks able to resist the rains and frosts of that climate. Some modification of their house architecture would be forced upon them through climatic reasons. They might have used stone, if possessed of sufficient skill to quarry it, and construct walls of stone; but they did not produce such houses. Or they might have fallen back upon a house of inferior grade, located upon the level ground, such as the timber-framed houses of the Minnitarees and Mandans, in which case there would have been no necessity for the embankments in question. Or, *they might have raised these embankments of earth, enclosing rectangles or squares, and constructed long houses upon them*, which, it is submitted, is precisely what they did. Such houses would agree in general character and in plan, and in the uses to which they were adapted, with those of the aborigines found in all parts of America.

The elevated platform of earth, as a house site, is an element in Indian architecture which reappears in a conspicuous manner in the solid pyramidal platforms upon which the great stone structures in Yucatan and Central America were erected, and which sprang from the defensive and the communal principles in living. This latter principle required large houses for the accommodation of a number of families in the Lower status of barbarism, and large enough in some cases, when the people were in the Middle status, to accommodate an entire tribe. When adobe bricks were used the house was usually a single structure, three or four rooms deep and three or four stories high, constructed in a block, and in the nature of a fortress. The

ground story was little used, except for storage, and they lived, practically, upon the roof terraces. When the use of stone came in, the structure often consisted of a main building four or five hundred feet long, and two wings two and three hundred feet in length, enclosing three sides of an open court, the fourth side being protected by a low stone wall. Such were the pueblos now in ruins upon the Rio Choco in New Mexico.

In the highest form of this architecture in Yucatan and Chiapas, the pyramidal elevation appears faced with dry stone walls. The buildings upon its summit were often in the form of a quadrangle, with an open court in the centre; but the buildings were generally disconnected at the four angles, as in the House of the Nuns at Uxmal. All of these forms are parts of one system of indigenous architecture; and the several parts are susceptible of articulation in a series representing a progressive development of a common thought,—that of joint residence, with the practice of communism in living in large groups in the same house, or in one group consisting of the entire household.

Let us, then, inquire whether the principal embankments of the Mound-Builders were adapted, as raised platforms of earth, for the sites of long houses constructed on the communistic principle, and in the general style of the houses of the American aborigines.

In the valley of the Scioto, in Ohio, and within an extent of twelve miles, were found the remains of seven villages of the Mound-Builders, — four upon the east and three upon the west side of the river. They are among the best of their works, and furnish fair examples of the whole. One of the number, the High Bank Pueblo, is shown in ground plan in the engraving, Fig. 1. It is the only one in which the enclosure is octagonal instead of square. The remains of each of the seven consist principally of embankments, like railway grades, several feet high and correspondingly broad at the base, enclosing a square or slightly irregular area; the embankment on each of the four sides being about a thousand feet long, with an opening or gateway in the middle, and at the four angles of the square. Attached to or quite near to five of the seven are large circular enclosures, each formed by a similar though

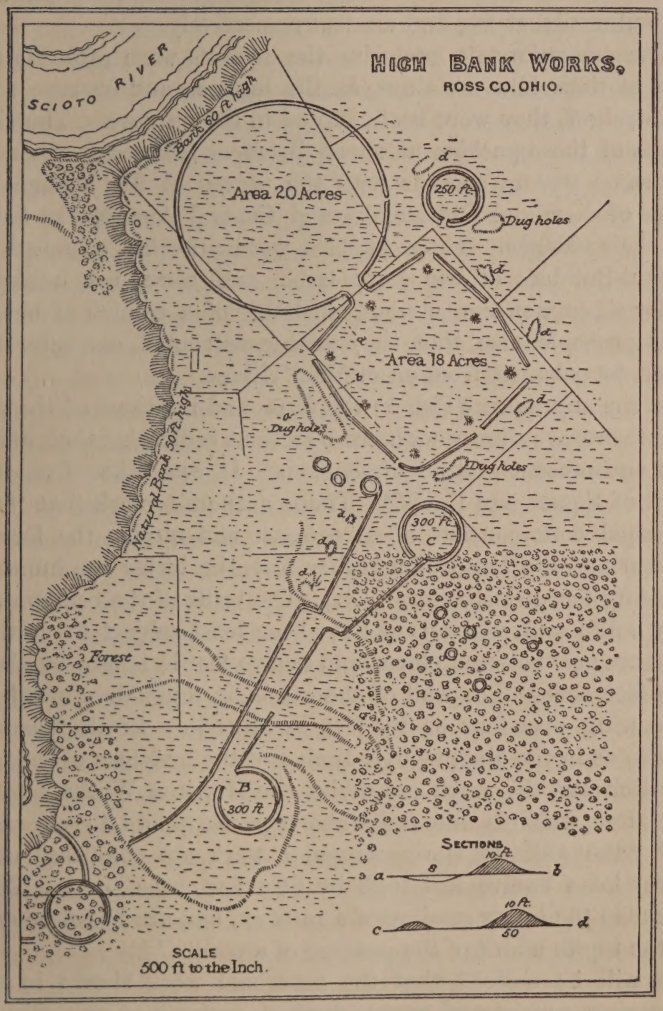


FIG. 1. — GROUND PLAN OF HIGH BANK WORKS.

lower embankment of earth, and enclosing a space somewhat larger than the squares. The respective heights of the embankments, forming four of the rectangles, are given at four, six, ten, and twelve feet; and of three of the circular embankments, at five and six feet respectively.

The embankments enclosing the squares were probably the sites of their houses; since, as the highest, and because they are straight, they were best adapted to the purpose. The situations of these pueblos at short distances from each other on the same stream accords with the usages of the Village Indians of New and Old Mexico and Central America in locating their villages. These pueblos were probably occupied by Mound-Builders of the same tribe, and were, not unlikely, under a common government consisting of a council of chiefs. It is probable, also, that they were constructed, one after the other, by colonists from an original village.

In the engraving (Fig. 1) the form and relations of the embankments are shown, with cross sections indicating their elevation and present ground dimensions. It was taken from the work of Squier and Davis.* These authors remark that "the principal work consists of an octagon and circle; the former measuring nine hundred and fifty feet, the latter ten hundred and fifty feet in diameter. . . . . The walls of the octagon are very bold; and, where they have been least subject to cultivation, are now between eleven and twelve feet in height by about fifty feet base. The wall of the circle is much less, nowhere measuring over four or five feet in altitude. In all these respects, as in the absence of a ditch and the presence of the two small circles, this work resembles the Hopeton Works." † Of the latter, which is nine miles above on the Scioto, they remark that "the walls of the rectangular work are composed of a clayey loam twelve feet high by fifty feet base. . . . . They resemble the heavy grading of a railway, and are broad enough on the top to admit of the passage of a coach." ‡

It will be noticed that the octagonal work shown in the engraving consists of seven distinct embankments. Six of these are about four hundred and fifty feet long; and the remaining one, which once consisted of two equal sections as

* Smith, Con., Vol. I., Pl. XVI. † Ib. p. 50. ‡ Ib. p. 51.

shown by the mound to face an original opening in the centre, now forms one continuous embankment facing one side of the enclosed area. If these embankments were reformed, with the materials washed down and now spread over a base of fifty feet, with sloping sides and a level summit, they would form new embankments thirty-seven feet wide at base, ten feet high, and with a summit platform twenty-two feet wide. If a surface coating of clay were used, the sides could be made steeper and the summit platform broader. On embankments thus reformed out of their original materials, respectable as well as sufficient sites would be provided for long joint-tenement houses, comparted into chambers like stalls opening upon a central passageway through the structure from end to end, as in the long houses of the Iroquois. Such embankments were strikingly adapted to houses of the aboriginal American model, the characteristic feature of which was sufficient length to afford a number of apartments. This feature became more marked in the houses of the Village Indians, among whom houses three hundred, four hundred, and even five hundred feet in length have been found, as elsewhere stated.

These embankments answered as a substitute for the first story of the house constructed of adobe bricks, which was usually from ten to twelve feet high, and closed up solid on the ground, externally. The gateways entering the square were protected, it may be supposed, with palisades of round timber set in the ground, each row of stakes commencing at the opposite ends of the embankments and contracting after passing each other to a narrow opening on the inside, which might be permanently closed. Indian tribes in a lower condition than the Mound-Builders were familiar with palisades. The enclosed square was thus completely protected by the long houses standing upon these embankments and the gateways guarding the several entrances. The pueblo, externally, would present continuous ramparts of earth ten feet high, around an enclosed area, surmounted with timber-framed houses with walls sloping like the embankments, and coated with earth mixed with clay and gravel, rising ten or twelve feet above their summits: the two forming a sloping wall of earth twenty feet high. It seems extremely probable, for the reasons stated, that

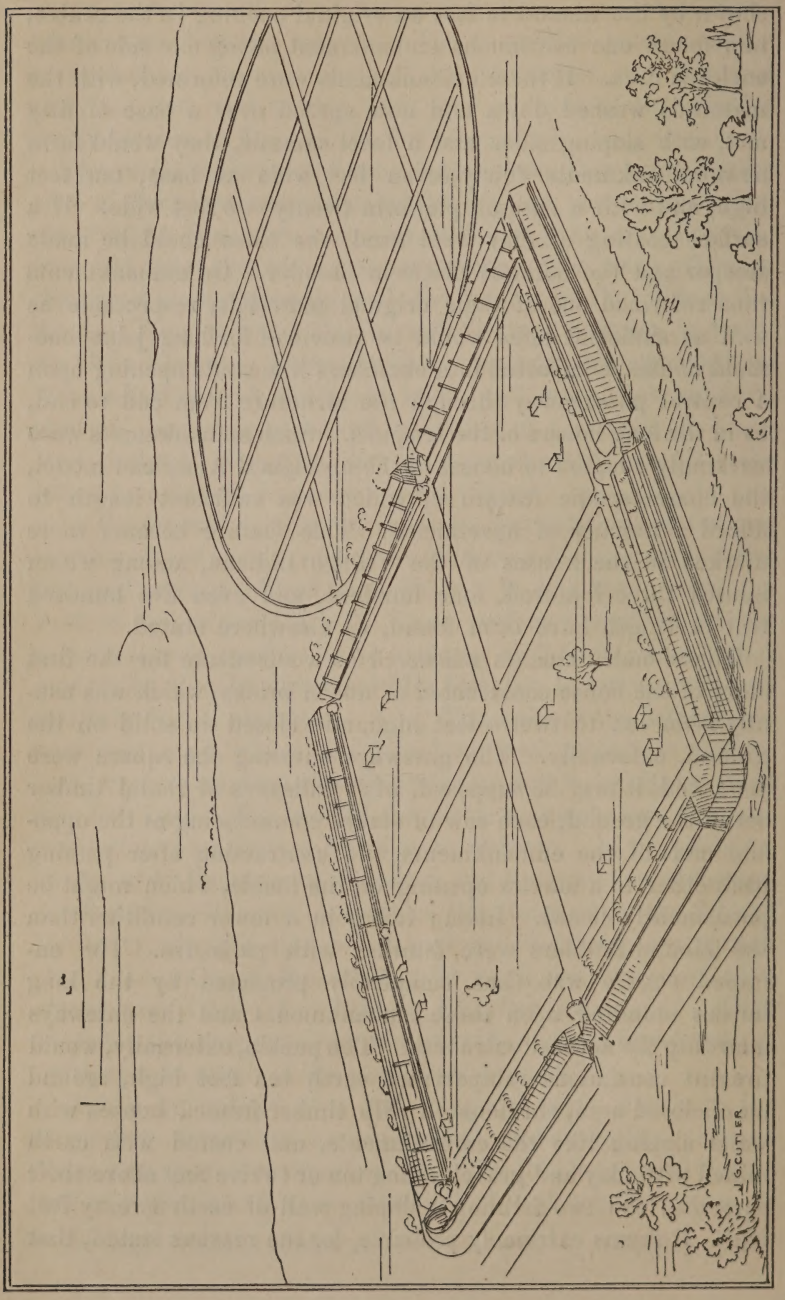


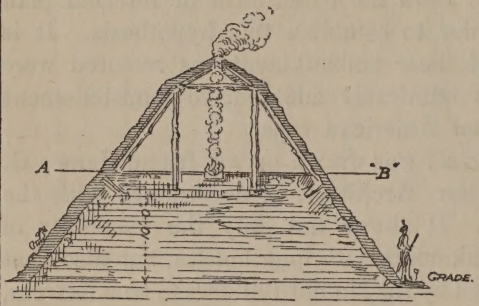
FIG. 2. — CONJECTURAL RESTORATION OF HIGH BANK PUEBLO.

they raised these embankments as foundations, and planted their long houses upon them, thus uniting the defensive principle with that of communism in living. Such houses would harmonize with the general plan of life of the American aborigines, and with the general type of their house architecture.

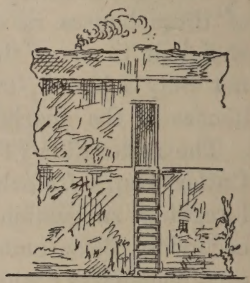
It is not necessary to know the exact form or internal plan of these houses in order to establish this hypothesis. It is sufficient to show that these embankments as restored were not only adapted, but admirably adapted, to joint-tenement houses of the aboriginal American type.

The restoration (Fig. 2) was drawn by my friend James G. Cutler, Esq., of Rochester, Architect, in accordance with the foregoing suggestions. It shows not only the feasibility of occupying these embankments with long houses, but also that each pueblo was designed by the Mound-Builders to be a fortress, able to resist assault with the appliances of Indian warfare. From the defensive character of the great houses of the Village Indian in general, this feature might have been expected to appear in the houses of the Mound-Builders.

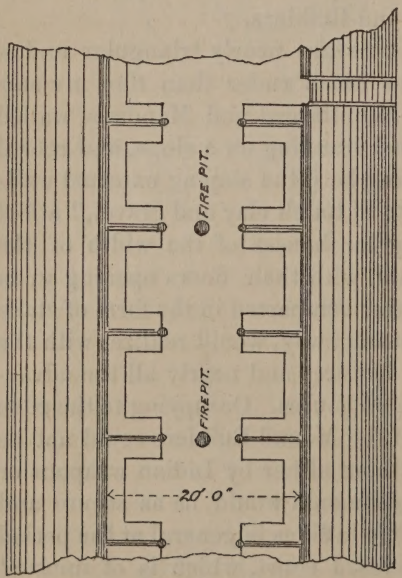
In this restoration the houses are nearly triangular and of simple construction. Indians much ruder than they are supposed to have been, as the Minnitarees and Mandans, walled their houses with slabs of wood standing on a slope, and roofed them at a lower angle, covering both the sloping external walls and the roof with a "concrete of tough clay and gravel," a foot or more thick. Long triangular houses of the width of the summit of these embankments, with their doors opening upon the square, and with the interior comparted in the form of stalls upon each side of a central passageway, would realize, with the enclosed court, some of the features and nearly all the advantages of the New Mexican pueblo houses. Occupying to the edge of the embankments, these of the Mound-Builders could not be successfully assailed from without either by Indian weapons or by fire; and within, their apartments would be as secure and capacious as those of the Village Indians in general at the period of their discovery. The enclosed court, which is of unusual size, is one of the remarkable features of the plan. It afforded a protected place for the villagers and a place of recreation for their children, as well as room for their drying scaffolds, of



SECTION.



PART ELEVATION.



PART PLAN ON A.B.

SCALE OF 1 2 3 4 5 6 7 8 9 10 FEET.

J.G.CUTLER.

FIG. 3. — GROUND PLAN AND SECTIONS OF HOUSE.

which Mr. Cutler has introduced a number of the Minnitaree and Mandan model, and for gardens if they chose to use a part of the area for that purpose. They would also require room for a large accumulation of fuel for winter use. The only assailable points are the gateways, of which the embankments show seven. These undoubtedly were protected by rows of round timber set in the ground, and passing each other in such a manner as to leave a narrow opening, with a mound back of each, upon which archers could stand and shoot their arrows over the heads of those between them and the gateway in front. Such at least is the object which the presence of the mound in each case suggests.

In the engraving (Fig. 3) there is a ground plan of a section of one of the long houses resting upon the restored embankment. It shows eight apartments upon opposite sides of the central passage, each nine feet wide by six feet deep, and surrounded by raised bunks used both for seats and beds. The passage is eight feet wide and runs through the house from end to end, with fire-pits in the centre for each four apartments. In interior plan it is an exact transcript of the long house of the Iroquois, and therefore adapted to the joint habitation of a large number of related families, and to the practice of communism.

Another section shows the embankment below the line A–B, which, as stated, is ten feet high upon a base thirty-seven feet wide, and with a summit platform twenty-two feet wide which forms the floor of the house. Above this is a cross section of the structure. Round posts six inches in diameter are set in the ground upon the lines of the central passage defining also the several stalls. These posts, which rise eight feet above the level of the floor and are forked at the top, support string-pieces which run the length of the house. Against these, planks of split timber are placed so as to form a sloping external wall, and these are covered with clay and gravel a foot or more thick. A simpler method would be the use of poles set close together and sunk in the ground, afterwards coated in the same manner. Cross-pieces of round timber rest upon the stringers over each pair of posts. The roof over the central passage is formed independently of poles bracing against each

other at the centre from opposite sides. This is also covered with concrete or mud mortar. Openings through the roof are left over the fire-pits for the exit of the smoke. The principle of construction adopted is that employed in the dirt lodges of the Minnitarees and Mandans of the Upper Missouri.* As thus restored, this pueblo of the Mound-Builders is not superior in the mechanism of the houses to those of the tribes named.

An elevation of a portion of one of the houses, on the court side, is also furnished, showing the embankment with a ladder resting upon it used as steps, and which could be taken up at night; also one of the doors by which the house was entered.

It is not necessary, as before suggested, that the actual form and structure of the houses of the Mound-Builders should be shown, to establish the hypothesis that these embankments were the veritable sites of their houses. If it is made evident that the summit platforms of these embankments, when reformed from their own materials, would afford practicable sites for houses, which when constructed would have been comfortable dwellings adapted to the climate and to Indian life in the Middle status of barbarism, this is all that can be required. The restoration of this pueblo establishes the affirmative of this proposition, with the superadded confirmation of that defensive character which marks all the house architecture of the Village Indians in New and Old Mexico and Central America.

With their undoubted advancement beyond the Iroquois and Minnitarees, the Mound-Builders may have constructed better houses upon these platform elevations than the plans indicate. No remains of adobes have been found in connection with these embankments, and nothing to indicate that walls of such brick had ever been raised upon them. The disintegrated mass would have shown itself in the form of the embankment after the lapse of many centuries. On the contrary, they were found in the precise form they would have assumed, under atmospheric influences, after structures of the kind described had perished, and the embankments had been abandoned for centuries.

These embankments, therefore, require triangular houses of

* There are some reasons for supposing that the Minnitarees are descendants of the Mound-Builders.

the kind described, and long houses, as well, covering their entire length. But the interior plan might have been different: for example, the passageway might have been along the exterior wall, and the stalls or apartments on the court side, and but half as many in number; and, instead of one continuous house in the interior, four hundred and fifty feet in length, it might have been divided into several, separated from each other by cross partitions. The plan of life, however, which we are justified in ascribing to them, from known usages of Indian tribes in a similar condition of advancement, would lead us to expect large households formed on the basis of kin, with the practice of communism in living in each household, whether large or small.

There is a direct connection in principle between the platform elevations enclosing a large square on which the High Bank Pueblo was constructed, and the pyramidal platforms in Yucatan, smaller in diameter but higher in elevation, upon which were erected the most artistic houses constructed by the American aborigines. In the latter cases the central area rises to the common level of the embankments upon which the houses were constructed. The former has the security gained by a house site above the level of the surrounding ground; and it represents about all the advance made by the Village Indians in the art of war above the tribes in a lower condition of barbarism. They placed their houses and homes in a position unassailable by the methods of Indian warfare.

There is some diversity, as would be expected, in the size of the squares enclosed by these embankments. They range from four hundred and fifty to seventeen hundred feet, the majority measuring between eight hundred and fifty and a thousand feet. Gateways are usually found at the four angles and at the centre of each side. A comparison of the dimensions of twenty of these squares, figured in the "Ancient Monuments of the Mississippi Valley," gives for the average nine hundred and thirty-seven feet. The aggregate length of the embankments shown in Fig. 1 is three thousand six hundred feet, which, at an average of ten feet for each apartment, would give three hundred and sixty upon each side of the passageway, or seven hundred and twenty in all. From this number

should be deducted such as were used for storage, for doorways, and for public uses. Allowing two apartments for each family of five persons, the High Bank Pueblo would have accommodated from fifteen hundred to two thousand persons, living in the fashion of Indians, which is about the number of an average pueblo of the Village Indians. This result may be strengthened by comparing houses of existing Indian tribes. The Seneca-Iroquois village of Tiotohatton, two centuries ago, was estimated at a hundred and twenty houses. Taking the number at one hundred, with an average length of fifty feet, and it would give a lineal length of house room of five thousand feet. It was the largest of the Seneca, and the largest of the Iroquois villages, and contained about two thousand inhabitants. A similar result is obtained by another comparison. The aggregate length of the apartments in the pueblo of Chetro Kettle in New Mexico, now in ruins, including those in the several stories, is four thousand seven hundred feet. It contained probably about the same number of inhabitants.

The foregoing explanation of the uses of these embankments rests upon the defensive principle in the house architecture of the Village Indians, and upon a state of the family requiring joint-tenement houses communistic in character. To both of these requirements this conjectural restoration of one of the pueblos of the Mound-Builders responds in a remarkable manner. In the diversified forms of the houses of the Village Indians, in all parts of America, the defensive principle is a constant feature. Among the Mound-Builders a rampart of earth ten feet high around a village would afford no protection; but surmounted with long houses, the walls of which rose continuous with the embankments, the strength of these walls, though of timber coated with earth, would render a rampart thus surmounted and doubled in height a formidable barrier against Indian assault. The second principle, that of communism in living in joint-tenement houses, which is impressed not less clearly upon the houses of the Village Indians in general than upon the supposed houses of the Mound-Builders, harmonized completely with the first. From the two together sprang the house architecture of the American aborigines, with its diversities of form, and they seem sufficient for its interpretation. The Mound-Builders in their new area east of the

Mississippi, finding it impossible to construct joint-tenement houses of adobe bricks to which they had been accustomed, substituted solid embankments of earth in the place of the first story closed up on the ground, and erected triangular houses upon them covered with earth. When circumstances compelled a change of plan, the second is not a violent departure from the first. There is a natural connection between them. Finally, it is deemed quite sufficient to sustain the interpretation given, that these embankments were eminently adapted to the uses indicated; and that the pueblo as restored, and with its enclosed court, would have afforded to its inhabitants pleasant, protected, and attractive homes.

With respect to the large circular enclosures, adjacent to and communicating with the squares, it is not necessary that we should know their object. The one attached to the High Bank Pueblo contains twenty acres of land, and doubtless subserved some useful purpose in their plan of life. The first suggestion which presents itself is, that as a substitute for a fence it surrounded the garden of the village in which they cultivated their maize, beans, squashes, and tobacco. At the Minnitaree village a similar enclosure may now be seen by the side of the village surrounding their cultivated land, consisting partly of hedge and partly of stakes, the open prairie stretching out beyond. We cannot know all the necessities that attended their mode of life; although houses, gardens, food, and raiment were among those which must have existed.

There is another class of circular embankments, about two hundred and fifty feet in diameter, connected with each other in some cases by long and low parallel embankments, as may be seen in Fig. 1. Undoubtedly they were for some useful purpose which may or may not be divined correctly, but a knowledge of which is not necessary to our hypothesis respecting the principal embankments. It may be suggested as probable that the Mound-Builders were organized in gentes, phratries, and tribes. If this were the case, the phratries would need separate places for holding their councils and for performing their religious observances. These ring embankments suggest the circular estufas found in connection with the New Mexican pueblos, two, four, and sometimes five at one pueblo. The circles were adapted to open-air councils, after the fashion

of the American Indian tribes. As there are two of these connected with each other, and two not connected, it is not improbable that the Mound-Builders at this village were organized in two and perhaps four phratries, and that they performed their religious ceremonies and public business in these open estufas.*

IV. *The probable numbers of the Mound-Builders.*

There are no reasons for supposing, from the number of their villages, that the Mound-Builders were a numerous people. My friend, Prof. Charles Whittlesey, in a discussion of the rate of increase of the human race, estimates them at 500,000.† With thanks for the moderateness of the estimate, one third of that number would have been more satisfactory. Dense populations, an expression sometimes applied to the Mound-Builders, have never existed without either flocks and herds, or field agriculture with the use of the plough. In some favored areas, where the facilities for irrigation were unusual, a considerable population has been developed upon horticulture; but no traces of irrigating canals have been found in connection with the works of the Mound-Builders. Furthermore, it was unnecessary in their areas. Transplanted from a comparatively mild to a cold climate, they must have found the struggle for existence intensified. Like the Cibolans in 1540, it was doubtless at all times equally true of them, that "they had barely provisions enough for themselves." And yet there is no cereal equal to maize in the rich reward it returns even for poor cultivation. It grows in the hill, can be eaten green as well as ripe, and is hardy and prolific. At the same time, while it can be made the basis of human subsistence, it is not sufficient of itself for the maintenance of vigorous, healthful life. Vegetables and game were requisite to complete the supply of food. The difficulties in the way of production set a limit to their numbers. These also explain the small number of

* The solid rectangular platforms found at Marietta, Ohio, and at several places in the Gulf region, are analogous to those in Yucatan. They are an advance upon the ring enclosures, and were probably designed for religious uses.

That the Mound-Builders were at one time accustomed to adobe brick is proven by their presence at Seltzertown, in the State of Mississippi, forming a part of the wall of a mound. See *Foster's Pre-Historic Races of the U. S.*, p. 112.

† Trans. Am. Ass. for the Adv. of Science, 1873, p. 320.

their settlements in the large areas over which they spread. Although they found native copper on the south shore of Lake Superior, and beat it into chisels and a species of pointed spade, the number of copper tools found is small, — much too small to lead to the supposition that it sensibly influenced their cultivation. A pick pointed with a stone chisel, a spade of wood, and a triangular piece of flint set in a wooden handle and used as a knife, were as perfect implements as they were able to command. Horticulture practised thus rudely was necessarily of limited productiveness.

The idea has been advanced that "the condition of society among the Mound-Builders was not that of freemen, or, in other words, that the state possessed absolute power over the lives and fortunes of its subjects."† It is a sufficient answer to this remarkable passage, that a people unable to dig a well or build a dry stone-wall must have been unable to establish political society, which was necessary to the existence of a state.

From the absence of all traditionary knowledge of the Mound-Builders among the tribes found east of the Mississippi, an inference arises that the period of their occupation was ancient. Their withdrawal was probably gradual, and completed before the advent of the ancestors of the present tribes, or simultaneous with their arrival. It seems more likely that their retirement from the country was voluntary, than that they were expelled by an influx of wild tribes. If their expulsion had been the result of a protracted warfare, all remembrance of so remarkable an event would scarcely have been lost among the tribes by whom they were displaced. A warm climate was necessary for the successful maintenance of the highest form of Village Indian life. In the struggle for existence in this cold climate, Indian arts and ingenuity must have been taxed quite as heavily to provide clothing as food. It is therefore not improbable that the attempt to transplant the New Mexican type of village life into the valley of the Ohio proved a failure; and that after great efforts, continued through centuries of time, it was finally abandoned by their withdrawal, first into the Gulf region through which they entered, and lastly from the country altogether.

LEWIS H. MORGAN.

* Foster's Pre-Historic Races, etc., p. 386.

IV. — Recent Astronomical Progress.

The fact that the existence of our race depends upon an equilibrium among violent opposing forces, of the continuance of which science can give us no assurance, forms one of the most suggestive discoveries of recent times. That the conditions on which our civilization depends are themselves dependent on terrestrial temperature, and could not be maintained through any great and sudden change of that temperature, must have been obvious to thinking observers in all ages. That the temperature of the earth is dependent entirely on solar radiation, and might rise or fall to any extent through changes in that radiation, is a proposition which could not at any time have stood much in need of proof, and which all investigations into the subject of heat have helped to confirm. As a consequence of these propositions, it needs only a small change in the quantity of heat received from the sun to produce the most important changes in the means of our sustenance, or even to destroy them entirely. This subject has, however, never given rise to much consideration, because not only have the causes on which the sun's heat depends seemed inscrutable, but the possibility of any change in its amount has never been suggested by any natural occurrence. We count on the perpetual invariability of that which we see to remain constant from age to age with the same blind confidence which we repose in the stability of the earth itself. In the absence of any exact knowledge of the physical constitution of the sun, there is nothing unphilosophic in this confidence, since long endurance without change affords one of the best proofs of stability, so good, indeed, that unless we look much farther into the future than our interests commonly extend, it cannot be overturned by any knowledge of the sun which the present generation can hope to acquire. But the wide generalizations of modern astronomy lead to the conclusion that our confidence must have a limit, however wide that limit may be. We have every reason to believe that the physical constitution of the thousands of stars which stud our sky is the same with that of our sun, and we know that a number of them are subject to variations

of light so great that similar variations in our sun would be productive of the gravest consequence to the well-being of mankind. It is true that this number is but a small fraction of the entire number known; but, on the other hand, the period during which accurate estimates of stellar radiation have been made is so small that we cannot say how many stars may, in the course of a century, be found subject to slow and irregular variations. As a matter of fact, we know that estimates of the relative magnitudes of the stars made a century or two ago are in many cases strangely discordant with the present magnitudes; and while the general disposition of astronomers is to attribute these discordances to the fallibility of the older observers, the hypothesis of change cannot be entirely disproved.

The analogy of our sun to the fixed stars, and the possibility that it may, in some remote age, be subject to great changes, invests the question of its constitution with a peculiar interest. It is therefore not wonderful that the science of solar physics, (if one can regard it as a science), though entirely a growth of the last twenty years, we might almost say of the last ten years, occupies a prominent place among the subjects of astronomical research at the present time. The most important instrument of this research is, of necessity, the spectroscope. The immense distance at which the sun is situated renders every feature invisible with the telescope, unless it extends hundreds of miles both in breadth and height. The difficulty is aggravated by the circumstance that the sun's rays always produce undulations in the atmosphere, which prevent that object from being studied with high telescopic powers. But space produces no change in the composition of the light which passes through it, so that spectrum analysis can be applied with equal success to a flame in the hands of the experimenter, or to the most distant nebula revealed by the telescope. The instrument in question is the only one by which any definite idea of the constitution of a body can be formed by an examination of the light which emanates from the body. At the same time, it can hardly be denied that the seemingly marvellous performances of the spectroscope, especially its power of detecting chemical elements present in the heavenly bodies, have given rise to very exaggerated ideas of what it is really

capable of effecting. The enthusiasm with which it is sometimes regarded can hardly fail to be damped by the reflection that it can give us no definite information respecting the composition or nature of a solid or liquid body under any circumstances whatever. All such bodies, heated to redness, if not vaporized, give the same spectrum whether they are in the form of a large mass or masses, or whether they are divided up into the minutest particles, like smoke. If they shine by reflected light, the spectrum is that of the body from which the light emanated, and the spectroscope cannot even inform us whether the light has come directly from its first source, or whether it has undergone reflections during its course. Its "revelations" are entirely confined to bodies in the gaseous state. When we say that iron and magnesium are found in the sun, we mean only that the vapors of those bodies are found around the sun Even here, the problem is not always the simple one it was once supposed to be. The spectra of the same gas or vapor, at various temperatures and pressures, differ so widely that hardly any resemblance between them can be recognized.

In view of these facts it will not be surprising that we are still far from being able to say what the sun is, and what is the nature of the operations we see going on at its surface on so astonishing a scale. The observed facts are at the same time so numerous and so fragmentary, and the forces in operation so unlike any we see around us, that it is very difficult to make a summary of our present knowledge of solar physics. The difficulty is aggravated by the circumstance that if we attempt to go beyond the naked facts of observation into a region which can be properly called that of science, we find a conflict of opinion which reminds us more of the disputes of the old theological fathers than of the generalizations of modern science. A critical examination of these differences would perhaps show that investigators do not always bear in mind the fundamental principle on which any really scientific explanation of celestial physical phenomena must rest, namely, that such explanation must always accord with the properties of matter and the laws of force which we see around us. Possibly such an explanation may be out of the question, from

matter in the celestial spaces exhibiting itself under forms it can never be made to assume on the earth. If this possibility be admitted, we must either give up every attempt at explanation, or form some idea of the forms which it is possible for matter to assume when, on the one hand, exposed in the celestial spaces without the atmosphere which environs all objects on the surface of the earth, or, on the other hand, subjected to the violent forces we see in operation at the surface of the sun. We must therefore, at present, confine ourselves to a brief statement of what recent research has shown that the sun may be, rather than say confidently what it is.

All telescopic observers from the time of Galileo down have seen that the visible surface of the sun is a shining sphere, into the interior of which it is impossible for sight to penetrate. Indeed, we might say that this has been seen by all mankind in all ages, were it not for the possibility that the sun was a flat disk instead of a sphere, — a possibility which was first precluded by the telescopic discovery of the sun's rotation. And modern research has been able to tell us astonishingly little more about the constitution of this surface than that it is a shining sphere. At first the spectroscope was supposed to show that it was certainly not gaseous, because it gave a continuous spectrum; but this inference was greatly weakened by the discovery of Frankland that gases might give a continuous spectrum when subjected to pressure. For aught the telescope or spectroscope can tell us, it may be a nearly continuous solid crust surrounding the seething interior which is constantly bursting through it; it may be of the nature of an immense sheet of broken ice floating in a hot liquid; it may be a mass of clouds floating in a hot atmosphere; it may be a gas rendered luminous under the immense pressure of its higher portions; or it may be something which we have not yet surmised. It is not improbably a combination of all these things. Whatever it may be, it is in a state of constant change. Were it an unbroken and unchanging crust, it would soon radiate all its heat and leave us in utter darkness.

One of the most remarkable features of the photosphere, which may yet furnish the clew to the true theory of its con-

stitution, is the stability of its form and position, which is in such striking contrast to what is going on above and below it. However rapid the changes which may go on in it, it preserves its general level with such constancy that the most refined observations have never detected any certain deviation from perfect sphericity, except minute depressions in the position of the dark spots which are generally found on its surface.

Until the year 1868, nothing definite was known of what might be outside the solar photosphere. The only occasions on which anything at all could be perceived occurred during those rare moments when the bright body of the sun was entirely hidden by the moon, and then it was found that the dark body of the latter was surrounded by two quite distinct classes of objects: the one a brilliant corona irregular in outline, and rising to the height of the moon's semi-diameter; the other a series of irregular masses of rosy-colored flames, which, though brighter than the corona, were generally so small that they would hardly be noticed by the naked eye. It was also found, by a careful comparison of a great number of observations of total eclipses, that a thin, red, glowing envelope of some sort surrounded the whole sun, and was of the same apparent nature with the red flames; but of the nature of this envelope nothing could be inferred. The application of the spectroscope by Lockyer and Janssen, in 1868, to the study of the gases and vapors immediately surrounding the sun opened a new era in solar physics. It was found that the sun was completely surrounded by a glowing atmosphere of which hydrogen was the principal ingredient, and which generally rose to a height of two, three, or four thousand miles above the photosphere. This was the red envelope, traces of which had been seen near the beginning and end of total eclipses, and which, at Mr. Lockyer's suggestion, has been called the chromosphere. It was now found to present phenomena so amazing that few have ventured to present anything which they would claim to be a complete and satisfactory explanation of them. An atmosphere surrounding an attracting globe should, according to the accepted laws of gases, preserve its general level. Especially should it do so when subjected to a gravitating force so immense as that which reigns at the sur-

face of the sun. But, instead of this, we find it thrown up into masses and columns of every conceivable shape, which sometimes rise to the height of fifty thousand or even a hundred thousand miles. These constitute the rosy-colored flames or "protuberances" seen during total eclipses. When we can tell to what force their elevation is due, we shall have solved one of the great problems presented by the sun. One explanation attributes them to eruptions of gas from the interior of the sun, which burst through the photosphere with a velocity amounting to a hundred miles a second or more. Some of the protuberances present so much the appearance of being due to this cause, that they are called eruptive. It is obvious that every mass of gas thus thrown out must immediately fall again, unless sustained by some unknown force; a mass thrown up with a velocity of a hundred miles a second would fall again in twenty minutes. A truly eruptive protuberance would be simply a fountain of hydrogen. But, although many of the phenomena may be thus accounted for, such is not the case with all of them, because cloud-like masses are sometimes seen suspended at a great height for hours in succession, in seeming defiance of the law of gravitation. Possible electrical forces may have come into play, but this is only a surmise. All we can say at present is, that the force which raises and sustains the protuberances is still unknown, and that until it is known our knowledge of solar physics is in a very unsatisfactory state.

The corona present the same difficulty in an aggravated form. At every total eclipse of the sun we see that the latter is surrounded by an irregular layer of matter of some kind, extending out to a distance exceeding his semi-diameter. This corona is sometimes spoken of as a solar atmosphere, but several considerations make it morally certain that it cannot be properly considered such. An atmosphere, properly so called, consists of an envelope or layer of gas or vapor, sustained by its own elasticity. The elasticity, the temperature, and the force of gravity being known, the density of an atmosphere diminishes in ascending, according to a well-determined law. Making any reasonable hypothesis respecting the solar temperature, we shall find that the diminution of density of the

most elastic known gas would be scores of times more rapid than that of the actual corona. Moreover, we should expect the outline of an atmosphere to be round and uniform, whereas that of the corona is extremely irregular and more nearly square than round. The most conclusive proof is, however, afforded by the passage, during modern times, of two great comets directly through the corona, without any sensible effects being produced upon them. The first of these was the great comet of 1680, the second and most remarkable that of 1843. The latter, at the point of nearest approach to the sun, was less than one hundred thousand miles above its surface, and passed through at least three hundred thousand miles of corona with a velocity amounting, at its maximum, to three hundred and fifty miles per second. To judge the effect of an atmosphere of the rarest kind upon a body moving through it with this velocity, we have only to compare the comet with an ordinary shooting-star passing through our atmosphere. At the height of forty or fifty miles the latter becomes so rare as no longer to reflect the light of the sun. Yet, at the height of one hundred miles, its density is such as to burn or destroy in a few moments a meteor passing through it at the rate of twenty miles per second. The destructive effect of an atmosphere on such a body is proportional to the square of the velocity, and therefore hundreds of times greater in the case of the comet than in that of the meteor. Supposing the former to be a body of considerable volatility, it would have totally volatilized by an atmosphere far too rare to be visible; while if it were a solid body it must have lost a large part both of its mass and its velocity. But all the observations made on it do not show the slightest retardation, nor did its aspect give any indication of so destructive an influence as the passage through an atmosphere would have been.

We are, therefore, forced to the conclusion that the corona must be a cloud of minute particles of matter partially vaporized by the intense heat to which they are subjected. This is rendered highly probable by the observations of Professors Harkness and Young, made in Iowa, during the total eclipse of August, 1869, which have since been confirmed by other observers. A bright line was found in the green part of the

spectrum, which has never been certainly identified with any line given by any terrestrial substance. The most suggestive result of this discovery is, that the corona is not composed of a confused mixture of the elements present at the surface of the sun, but is, at least in great part, some simple and as yet undetermined substance; perhaps a substance which is not found at all at the surface of our planet. The chemical problem to determine what the substance is, is not more important than the mechanical one of finding what sustains it against the gravitating force of the sun. Perhaps the most plausible explanation is that which attributes it to an irregular crowd of meteors revolving around the sun in its immediate neighborhood, and, perhaps, continuous with the zodiacal light. But even this explanation is beset with difficulties which it would be tedious to enumerate; and the most logical course is to give up every attempt at explanation till we have more facts, and, in the mean time, frankly acknowledge that the forces seemingly at play outside the sun are a complete mystery to us.

Although we cannot explain to our satisfaction what is going on immediately around the sun, it is clear that certain natural operations are going on there on a scale of which we can form no conception. Non-scientific language would fail to describe them, for the reason that they transcend not only everything we see on the globe, but everything which the wildest flights of poetic fancy ever imagined. "Floods and whirlwinds of tempestuous fire," "lakes of fire and brimstone," are perhaps the poetical epithets most applicable to the phenomena in question. But nothing which can properly be called fire exists at the surface of the sun, for the simple reason that the temperature is so high as to render combustion impossible. The chemical combinations implied by this term can only take place at such temperatures as we have in our fires and furnaces; at higher temperatures substances combine and separate with equal facility. The impossibility in question is much like that of boiling water in a region where the temperature is so high that water exists only as a vapor. Neither "flood" nor "lake" nor "sea," gives any conception of a mass of fluid ten thousand times the whole surface of our earth, and

deeper than the Atlantic is broad. Neither "whirlwind," nor any other term expressing movements of air, gives any adequate conception of a mass of incandescent gas, which, should it roll down upon us from the north, would, in twenty seconds after it crossed the St. Lawrence, be in the Gulf of Mexico, carrying with it the whole surface of the continent in a mass, not simply of ruin, but of glowing vapor, in which the vapors arising from the dissociation of the materials composing the cities of Boston, New York, and Chicago would be mixed in a single undistinguishable mass.

Great as are these movements, they are, probably, only faint reflections of what is going on inside the sun; the masses of hydrogen belching through the photosphere being but the *hors du combat* from the war of atoms going on in the interior. According to the theory now best supported, — the only theory, in fact, which accounts for the supply of solar heat, the matter composing the interior of the sun is in a state of complete "dissociation"; that is, owing to the elevated temperature, each individual molecule of matter pursues its course without forming any permanent combination with any other molecules. For example, although both oxygen and hydrogen exist, they do not combine permanently to form water, because, in case of a combination of two molecules, they are instantly separated by the impacts of a thousand other molecules. To prevent the interior from solidifying, the temperature must be on the same scale with the pressure to which the interior is subjected from the weight of the outside. The latter is constantly cooling by radiation, and thus convective movements are established on the scale we have described.

One of the first requirements for the further advance of an understanding of solar physics is a more minute and systematic study of solar phenomena, both with the telescope and the spectroscope. Hitherto this study has been left almost entirely in the hands of individual investigators, whose work, notwithstanding the zeal with which it is prosecuted, has not always the continuity and completeness which are desirable. The attention of leading men, on both sides of the Atlantic, has, therefore, been directed to the subject of founding one or more observatories for the exclusive study of the sun. Ger-

many, however, is the only nation, so far as we are aware, which has taken active measures to attain this end; and a "Sonnenwart," to be fitted up with every appliance which the observer can desire, and to employ the ablest physicists of Germany, is now in course of erection at Potsdam. The subject of such an observatory has been much agitated in England, but public opinion has been so much divided upon the subject that no definite conclusion seems to have been reached. In France a physical observatory has been organized near Paris, but we are not aware whether solar physics will be its specialty.

Our own country offers an immense advantage for the working of such an establishment. Being constructed for the especial purpose of studying the sun, its location should be chosen with almost exclusive reference to the facility with which this end can be pursued. Now, at all the European capitals where these establishments have been projected, the meteorological conditions are extremely unfavorable. The atmosphere is the greatest foe with which the astronomer has to contend, even at night, when it is undisturbed by the heat of the sun. It is far worse in the daytime, when the effect of the sun's rays upon it is nearly always such as to render refined observations impossible. In Northern and Central Europe not only is the sun obscured by clouds more than half the time, but when it shines the light reflected from the vapors in the lower regions of the atmosphere interferes greatly with spectroscopic observation. An elevated situation, where the air is transparent and the sky generally clear, offers advantages so great that they could not be counterbalanced by any completeness of instrumental outfit. There can be no doubt that more than one such situation can be found in our Western territories; and that we thus enjoy a natural advantage for the study in question which would enable us to lead the world in its pursuit. Happily we have conclusive proof of the correctness of this claim. In 1871 the Coast Survey fitted out an expedition for the express purpose of learning, by actual trial, whether any great advantage would be gained by placing an observatory in an elevated situation. The point chosen was Sherman, the highest spot reached by the Pacific railway, and the spectroscopic work was placed in the hands of Professor

C. A. Young. Although during the few months that the expedition remained there was an excessive and most unexpected proportion of cloudy weather, yet, when clouds were absent, so clear was the air and so free from reflected sunlight, that Professor Young was enabled to more than double the number of lines known to exist in the spectrum of the chromosphere. So great are the advantages thus placed within our reach, that it would be, on our part, a wanton disregard of them to place such an observatory of the first class in any situation where they could not be enjoyed.

In the most essential of all requirements for a scientific establishment, the purely intellectual ones, we are probably as well supplied as any other country. That the work is of a kind to which the genius of our people is well suited is evinced by the number of them who have shown the highest talent in its performance. In contriving the instruments of observation, no one was superior to the lamented Winlock. Of the lines in the envelope of gas and vapors immediately surrounding the sun, the greater number have been seen by no observer except Young. Through the smoky atmosphere of Pittsburg, Langley has made telescopic studies of the sun's surface so far exceeding all preceding ones in minuteness and detail, that their results have been eagerly seized upon by the advocates of rival theories of the structure of the photosphere to sustain their several views. Langley and Mayer have made measurements of the heat emitted by different parts of the solar disk which can hardly fail to lead to important results. Less directly applica le to the subject of solar physics, but equally worthy of citation to sustain the general proposition now being maintained, are the labors of Rutherfurd and Draper in the applications of photography to astronomical research.

It is, perhaps, a difficulty in the way of realizing this project, that its first cost is so ridiculously small alongside the importance of the subject. The very fact that the object to be studied is that on which all life on our planet is dependent lends an importance to the work which is not diminished by the admitted fact that we cannot assure the speedy attainment of any purely utilitarian results. Ultimate results of the highest importance are almost sure to be reached, for, as the sun is the

source of life, it is in the changes of that luminary that our race may be expected first to read of its end. So far as we can see, the sun is the only book of fate which will ever be opened to us. Yet, the cost of building a solar observatory, and supplying it with every appliance necessary for observations of the sun, would hardly exceed that of the average city residence of a gentleman of wealth. The necessary endowment for the support of the observers would, of course, be greater, but would not exceed the sums constantly appropriated to objects of less importance.

Notwithstanding the present extremely unsatisfactory state of our knowledge of the sun's constitution, the question of the age and origin of the solar heat has led to some very interesting results, the knowledge of which has not been so widely disseminated as it deserves to be. The progress of this question is strikingly illustrative of the principle that the sentiments of wonder and mystery are inconsistent with either entire ignorance or complete knowledge, and belong entirely to the intermediate state of partial or imperfect knowledge. Before the discoveries of Rumford and Carnot it was not at all surprising that the sun should have radiated heat for thousands or millions of years, and no reason was known why it should not continue to radiate it at an undiminished rate for indefinite ages to come. When it was once found that heat could be produced only by the expenditure of a something, the supply of which was necessarily limited, and that that expenditure necessarily involved a progressive change in the body from which the heat was emitted, what formerly needed no explanation became a mystery. It was like the flow of an unbroken stream of water from a vessel which we could examine on all sides, and into which we could satisfy ourselves that no water was flowing. A very simple calculation showed that even if the sun had the greatest specific heat of any known substance, it would not contain an undiminished supply for the historic period, much less for the geological ages beyond. All the obvious explanations which could be cited were so completely untenable, that it is not worth while even to cite them. About fifteen years since it was suggested, we believe by Helmholtz, that the supply of solar heat could be kept up by

the slow contraction of the sun itself; and this is now not only the generally received explanation, but, so far as human judgment can be trusted, the only possible explanation not founded on an assumed subversion of well-established laws of nature. We see the sun radiating an unceasing flood of heat into the celestial spaces, and we see that he does not receive any but the minutest portion of this heat back again, because, if he did, our planet would intercept the same portion of the heat on its return which it intercepts on its passage out, and thus we should receive as much heat from the sky opposite the sun as from the sun itself. The meteoric theory, which attributed the maintenance of the solar heat to the import of meteoric matter on the sun's surface, was speedily found to be entirely untenable, because, if the necessary number of meteors were present in our system, the earth would encounter them in such quantities as speedily to raise its surface to a red heat. And, in general, we may say that, without imagining the most fantastic combinations of causes, it is impossible to frame a theory of the external maintenance of the solar heat which will not be subject to the *reductio ad absurdum* that the earth and planets are receiving a proportional supply, and are rapidly becoming too hot to be habitable.

So far as the maintenance of the solar heat, not only at present but for several millions of years past, is concerned, the contraction theory fulfils all the requirements of science. As the sun cools it must contract in volume, and the heat generated by this contraction, or, rather, by the fall of the parts of the sun on each other which the contraction involves, will almost entirely replace that which has been lost. Our present knowledge of the mechanical equivalent of heat, and of the quantity of heat radiated by the sun, enables us to determine what amount of contraction is necessary to keep up the supply. The result is that a diminution of the sun's diameter by two hundred feet a year will just suffice for this purpose. This contraction would not be detected by the most delicate measures we can make in a thousand years; there is therefore no result of observation to militate against it. But it would become sensible at last, and it follows from the theory that the sun was perceptibly larger a million years ago than now. Being also,

in consequence, less dense, a greater contraction would have been necessary to produce the present supply of heat, and the diminution of bulk was therefore more rapid. The most important consequence of the theory is that the total duration of the solar heat is necessarily limited, because the amount of heat generated by the falling together of the entire mass of the sun from infinite space is limited, and would only serve to keep up the present supply for about twenty millions of years. If the amount of heat radiated was greater in former ages than now, the time it has endured must have been less than this; if the radiation was less, the duration would be longer. Great changes in radiation are not consistent with the continuance of life on the globe, for an increase of but a fraction of the present amount would cause the entire ocean to boil, while a yet smaller diminution would permit water to exist only in the form of ice. That the radiation should remain constant under any considerable changes of the sun's density is improbable; it is therefore improbable that running water and animal life have existed on the earth many millions of years. And it is inconsistent with the laws of nature, as we now see them in operation, to suppose that they have existed on the earth twenty millions of years; because, on the only hypothesis science will now allow us to make respecting the source of the solar heat, the earth was, twenty millions of years ago, enveloped in the fiery atmosphere of the sun.

The question may be asked, whether it is not within the bounds of possibility that new laws of nature may be discovered which will show our system as we now see it to be completely self-sustaining, and thus extend back indefinitely the time during which the surface of the earth may have been in its present state, and the sun may have shone with his present brilliancy. We reply that it would be a rash application of philosophy to pronounce any phenomenon impossible; and since science views all phenomena as products of natural laws, it would be rash to deny the possibility of a natural law adequate to produce any required result. But, if we limit ourselves to what all investigations permit us to consider credible from a scientific point of view, then we may pronounce certain supposed phenomena incredible, and declare their occurrence to

border on the miraculous. For instance, that our telescopes may reveal to us intelligent beings moving at will through the celestial spaces, presents itself as an extraordinary idea to all, an incredible one to many. But, in the present state of science, we doubt whether it is any more extraordinary or incredible than the idea that the sun is receiving from any external source a supply of heat equal to that which he radiates. And, the phenomenon of the conservation of the solar heat without a supply from outside, and without a progressive change within, leading to a state in which the supply must cease, would be a yet more miraculous one than that just supposed. Of course, if observations showed that the sun possessed the power of thus producing a perennial supply of heat from nothing, we should have to accept it, and modify our ideas of certain natural laws, just as in the case of our seeing beings flying through the celestial spaces; but in the present state of our knowledge neither of these suppositions can be admitted into the category of scientific possibilities.

We have spoken of solar physics as exclusively referring to the constitution of our sun. To prevent any possible misapprehension, it should be said that the sun cannot be successfully investigated except in connection with the stars, of which he is one, so that a solar observatory could attain its end only by being devoted to the study of suns in general. Nor should this mark the limits of its field, for it is quite likely that the laws of the conservation of the solar heat will be ultimately learned from the study of the gaseous nebulæ. The case is illustrative of the general rule that the operations of nature are so closely interlaced, that it is impossible to learn one thoroughly without learning a great number of associated ones.

The branch of astronomy which, at the present time, is most nearly related to the immediate wants of life, is that which treats of the celestial motions, using the latter term in its widest sense. It is unfortunate that we have no term employed generally and exclusively to designate this special branch. The term "physical astronomy," formerly much employed, is now equally applicable to, and more suggestive of the examination of the physical properties exhibited by the heavenly

bodies, and more especially to the work of the spectroscope. "Theoretical astronomy" is a term somewhat too vague and inclusive; and "gravitational astronomy" somewhat too narrow, though it has the advantage of being precise and definite, including just so much of the subject as involves the determination of the celestial motions from the theory of gravitation. A fourth term, not infrequently used, is "astronomy of precision," but this includes a qualification which should at least be aimed at in every branch of the science. Without attempting to select the best name, the nature of the branch can be concisely defined by saying that it is that branch of astronomy which predicts the motions of the heavenly bodies by combining the theory of gravitation, the laws of motion, and exact observations of the relative positions of the bodies whose motions are to be determined. The reason why it is most immediately associated with the wants of life is, that upon it depends the measurement of time by years and days, and the determination of positions on the surface of the globe.

When it was found by Newton that the movements of the moon and planets could probably be determined with entire precision by the solution of the purely mathematical problem of the relative motion of a system of bodies submitted to their mutual attractions, no difficulty was found in reaching a complete solution for the case of two bodies; but when the celebrated "problem of three bodies" was attacked, a complete solution was found to be beyond the reach of the ablest mathematicians of the time, and the efforts of their successors have met with no better success. The fact is, that extraordinary as are some of the performances of the mathematician, such as predicting the changes of the planetary orbits through thousands of centuries from data derived from a few years' observation, our mathematical analysis is totally inadequate to the rigorous solution of any but the more simple problems presented by the investigation of the earth and the heavens. This will not appear surprising if we reflect that all mathematical operations are ultimately resolvable into the four primary operations of arithmetic, addition, subtraction, multiplication, and division, combined with the extraction of roots, and some simple geometrical forms, and consequently, that when a prob-

lem transcends solution by these operations, it is beyond the power of the mathematician. But although a strictly rigorous solution of the problems presented by the motion of the planets is not possible, the efforts of the successive generations of mathematicians since Newton have resulted in the invention of methods by which the motions of the planets under the influence of the attraction of the sun and of each other may be approximated to with any required degree of precision. By the application of these methods, combined with long and numerous observations, tables of the motions of the larger planets have been constructed, which represent their positions at all times with a precision which, from any other than an astronomical stand-point, is very great.

One of the most important and interesting questions suggested by these results is whether the actual motions of the planets accord perfectly with the theory of gravitation. This question is not quite settled either in the affirmative or negative, the difficulty in the way of the settlement being that observational astronomy is far ahead of theory. The labor of constructing a theory of the motion of any one planet from the law of gravitation, and of correcting the elements by comparison with all the observations extant, is so immense that it is undertaken only at long intervals. The latest tables of Saturn, for instance, are more than fifty years old. Again, the more modern tables are imperfect, from a want of exact knowledge respecting the masses of the planets. When, then, small discrepancies are found, it is not always possible to say whether they arise simply from an accumulation of small errors in the data on which the computations of the mathematician are founded, and errors in the computations themselves, or whether they indicate an actual deviation of the planet's motion from its normal course. At the present time, the earth is the only planet which is found to follow its tabular motions with such precision that no pronounced deviation can be detected. In most of the others, though deviations exist, they are so small that we may attribute them to the imperfections just described. Exceptions to this are, however, found in the case of Mercury and Saturn. Le Verrier found the perihelion of the former planet to be subject to a motion of 36″ a century, which could not be

accounted for by the attraction of the known planets; and on this deviation he founded his hypothesis of a group or ring of small planets between Mercury and the sun. The existence of such a group, adequate to produce this effect, seems hardly possible for two reasons. One is, that no trace of it has ever been seen, unless the matter giving rise to the zodiacal light be regarded as forming a mass sufficiently great to cause the the observed deviation. Unless the supposed planets were so minute that it would take thousands of them to produce the required effect, they would frequently be seen to pass across the face of the Sun. But none of the astronomers who have so carefully and assiduously observed the sun during the past fifty years, have ever seen such a transit, the supposed observations of the phenomena being nearly all by observers otherwise unknown. As for the zodiacal light, it seems highly probable that there can be matter enough in it to make up a moderate-sized planet. The other reason is that such a group of bodies, even if we suppose the zodiacal light to constitute the group, would scatter itself near the plane of the ecliptic, and would, in consequence, produce a very sensible change in the position of Mercury's orbit. But no such change of position is indicated by the observations. We can, therefore, only say that in the case of this planet, the discrepancy between theory and observation has not been satisfactorily explained. In the case of Saturn it is quite likely that the discordance arises from errors in the theoretical computations, the theory being the most difficult of that of any large planet, and the results having never been subjected to sufficient verification.

Of all the heavenly bodies, the moon is the one which has given the mathematician and astronomer most trouble, from the days of Hipparchus until the present. The history of their efforts might suggest the idea that our satellite had always amused herself by eluding the efforts of mankind to predict her motions. Every complete theory of her motions has been found in error by the generation or the age immediately following its promulgator; and although the magnitude of the errors thus found has, on the whole, greatly diminished, the difficulty of accounting for them is still as great as ever. The deviations which now cause most trouble are apparently of long period;

that is, during a long period of years, perhaps half a century or more, the moon gradually moves ahead of her predicted place, and during other periods falls behind it again. These deviations were first detected by La Place, from the observations of the eighteenth century, and several ways of accounting for, and representing them, were suggested by him. But all his explanations have since been found inadequate in theory, and inconsistent with subsequent observations. The phenomenon remained entirely unexplained until it was found by Hansen that deviations of this kind in the moon's motion might be produced by the action of the larger planets on the moon, especially Venus, and, after long and tedious calculations, he announced the discovery of two such inequalities, the one having a period of two hundred and sixty-five years, the other of about two hundred and forty-three years. By adding these two inequalities to the tables, the motion of the moon from 1750 to 1850 was found to be represented with as much accuracy as the observations admitted of.

These inequalities have their origin in a sort of musical rhythm among the motions of the earth, the moon, and Venus. If from eighteen times the mean motion of Venus we subtract sixteen times the mean motion of the earth round the sun, the difference will be found nearly equal to the mean motion of the moon in anomaly. This relation gives rise to the first of Hansen's inequalities. Although the gravitation of Venus on the moon is nearly insensible, the result of this harmony of motion is that the attraction of the planet is felt, just as a musical string vibrates in response to a note in unison with it. We have here as good a realization of the "music of the spheres" as the hard unpoetic spirit of modern science could be expected to produce. The second inequality arises from a relation between the mean motions of the earth and Venus simply, namely, that thirteen times the period of revolution of Venus is nearly eight years, the same relation which leads to the return of a transit of Venus in the course of eight years.

The addition of these terms to the moon's longitude gave rise to much discussion, the result of which was to show that they failed to meet the requirements of the problem. Two distinct questions are involved in this discussion, one a purely

mathematical one, the other one of observation. The first is whether the resultant of the attraction of Venus on the moon, the earth, and the sun is certainly such as to give rise to the terms calculated by Hansen. The latter pronounced the computation of the terms in question to be the most difficult problem which presented itself in the theory of the moon's motion; and in calculations of such complexity, it is extremely difficult for any one mathematician to make sure that his results reach the required degree of accuracy. Hansen himself was never satisfied with his computation of the second term, and was finally forced to determine its value, not from the law of gravitation, but from observations. When the problem was attacked by others, it was found that while the first of Hansen's new terms was undoubtedly correct, the second was not, the deviation due to the fact that thirteen periods of Venus make nearly eight years, being found too small to be noticed in the observations. The second question, to be treated in a wholly different manner, was whether by the addition of these terms, the motion of the moon would agree with observation. Since, by the aid of two terms, Hansen satisfied the observations from 1750 to 1850, it is clear that when one of his terms was removed, the agreement would be destroyed. The result was, therefore, that the best mathematical theory was not in accord with observations. Still, Hansen's second inequality might exist, and be due to some other cause; and the greater the time during which it represented observations, the stronger the evidence in its favor. It therefore became important to compare Hansen's tables with observations before 1750, and after 1850. The few comparisons made with the imperfect observations before 1700 seem to show that they were then considerably in error. This result, owing to the imperfect character of the observations of those times, is hardly conclusive. It is, therefore, on recent observations that we must mainly depend for a settlement of the question. The tables in question were printed in 1857, and the places of the moon from them first appeared in the British Nautical Almanac for 1862. It was found that up to that period the agreement of the tables with observation was good. But, since that time, the moon has been falling behind the tables at

such a rate that her computed longitude is now ten seconds in error, — a quantity small in itself, but which would lead to an error of five miles in the terrestrial longitude of any point on the land or at sea determined from observations of the moon.

Such being the result of the latest investigations on the subject, it appears that the motions of the moon still elude the skill of the investigator. But the question is now taking another shape, and we have to inquire whether, after all, the seeming irregularities may not be in the rotation of our earth on its axis, and not in the moon at all. When we accuse a railway train of being behind time, we must inquire whether our clock is not too fast. In the present case the moon is the train, making its successive revolutions around the earth; and the latter is the clock marking the time for us by its revolution on its axis. The indications of this clock have hitherto been received with entire confidence, it being supposed that there was no possibility of any deviation of the rotation of the earth from perfect uniformity. But it is now conceded that such deviations are not impossible, and their detection, if they exist, must be considered as one of the most important astronomical problems of the present time, as well as one of the most difficult ones. What is wanted is an umpire between the earth and moon, — a means by which we can decide whether the moon is behind time or the earth is fast. A perfect clock, which would go for half a century without deviation, would settle the question, but this is mechanically impossible at present. The umpire must be some celestial body revolving fast enough to enable us to measure time by its revolutions. The one best suited for this purpose is Jupiter's first satellite, which makes a revolution around the planet in about forty-two hours, and is eclipsed in its shadow every revolution. Unfortunately, observations of these eclipses are so difficult that their uncertainty amounts to a considerable fraction of the discrepancy between the earth and moon; it is therefore only by a long and laborious course of them that a decision can be reached. It may, however, be said that the most recent observations decidedly favor the view that the error is in the rotation of the earth, and not in the motion of the moon. Should this be confirmed, we must remove our satellite from

the small and uncertain list of planets which do not move in perfect accord with the theory of gravitation.

By the successive improvements in mathematical methods which have been introduced in the course of the present century, especially by Hansen, a great increase of accuracy has been gained in the methods by which the motions of the planets are determined from the theory of gravitation. To make this improvement really fruitful, a corresponding improvement must be made in the accuracy of astronomical observations. Such an improvement has actually been realized in the course of the last thirty years, and may be illustrated by the large correction to the formerly supposed distance of the sun, which has been learned from recent investigations on that subject, and which lends much additional interest to the results which it is hoped to obtain from the recent transit of Venus.

It is well known to all who take an interest in astronomy, that the distance of the sun, deduced from the transits of Venus in 1761 and 1769, was a little over ninety-five millions of miles; and that this result was received with unquestioning confidence until quite lately. Had it been impossible to determine the distance in question in any other way than by transits of Venus, any improvement on this result would have been impossible until after the recurrence of the transit in 1874. In fact, however, several other methods are found applicable, which rival in accuracy the best observations of transits of Venus; and these methods all agree so well in indicating a diminution of the distance by some three millions of miles, that, for the last ten or fifteen years, there has been no doubt that the results of the old transits were affected with this enormous error. This discovery was confirmed when the subject of observing the transit of 1874 began to excite attention; it therefore became important to determine with some certainty the cause of the error, in order to avoid it in the observations now to be made. The fact seemed to be that observers were mistaken by amounts varying from half a minute to nearly a minute in observations, which it had been supposed could be made within one or two seconds, and in which the observers themselves supposed they had attained

nearly this degree of accuracy. It therefore became desirable to submit the older observations to a re-examination, with a view of throwing light on this subject.

This work was first undertaken by Powalky, a Berlin computer. He showed that if certain of the old observations were rejected entirely, and the result made to depend solely on the others, a value of the solar parallax would be reached agreeing well with those recently obtained. Unfortunately he did not show any conclusive reason for rejecting the observations which led to the erroneous result, which were, to all appearance, as reliable as many which were retained. He could not, therefore, be said to have satisfactorily answered the question.

The only other astronomer who has published a formal investigation of the subject is Mr. E. J. Stone, then first assistant at the Royal Observatory, Greenwich, and now Director of the Royal Observatory at the Cape of Good Hope. The well-earned astronomical reputation of Mr. Stone, together with the enthusiasm displayed by English writers on scientific subjects in making known the merits of any scientific work of their countrymen, have given a world-wide celebrity to his work, and rendered a critical description of it not uninteresting. To understand the questions raised in it, and the application of the principles involved to the subject of observing the transit of 1874, it is necessary to describe and explain certain optical appearances remarked by the observers of the transit of 1769. Let the reader imagine the planet Venus as a dark round disk entering upon the sun. As it passes over the sun's limb it makes a deeper and deeper rounded notch in the latter, until it is half upon the sun. Continuing its course, at the moment in which it enters wholly upon the sun, the two sharp cusps of the sun, which it serves to form, meet together behind it, forming a continuous thread of light, and the planet is wholly surrounded by sunlight. The moment when this occurs is that of internal contact of the limbs, and this was the moment which the observers were required to note with all possible precision. When the planet is about to leave the sun the same appearances take place in reverse order. As it approaches the edge of the sun the strip of sunlight between

the edge of the planet and that of the sun grows thinner and thinner; it is reduced to a thin thread, and then, when the planet actually reaches the edge it is broken off, and two separate horns, or cusps, are formed. This moment was also to be noted as that of second internal contact. It was believed that these moments could be noted without an error of more than one or two seconds, which would lead to the distance of the sun being determined to a small fraction of a million of miles.

But when the observers reached their stations and proceeded to note the phenomena, many of them were perplexed by an unexpected behavior of the planet, which prevented their making a satisfactory observation. When the planet had seemingly entered entirely upon the sun, the cusps of the latter did not close immediately up around the planet as had been expected, but the latter seemed to stretch out toward the sun's limb, and to be joined to it by what looked like a "black drop." When this drop finally broke, the planet had entered upon the sun by a quite sensible amount. Again, at egress, half a minute or so before the planet seemed to be going to reach the edge of the sun, this same black drop suddenly stretched itself across the interval, leaving the observer in doubt whether the contact had taken place or not. In this case there were two courses open; the observer might note, as the time of contact, that at which the black drop first appeared, or he might wait until he estimated that the round limb of the planet had reached the edge of the sun. This time, however, could not be estimated with any accuracy, because the black drop prevented the limb of the planet from being actually seen at the critical point. The cause of this troublesome phenomenon was first pointed out by Lalande, who showed it to be due to irradiation, or to the sun looking larger and the dark disk of Venus smaller than they actually were. This explanation has since been universally admitted, the only modification of it being the discovery that the large amount of irradiation necessary to produce this appearance was due to the imperfect quality of the telescopes of that time; and that with the better telescopes of the present time scarcely any appearance of the black drop is seen, unless the atmosphere is so undulating as to interfere with vision.

Mr. Stone's ingenious explanation of the error in the former results was founded upon the possibility that an observer might, at contact, note either of the two phases we have just described, namely, at ingress he might observe the moment at which the planet was, by estimation, wholly within the sun's disk, but was still connected with the limb by the black drop, or he might wait till the latter had disappeared, and the planet become wholly separated from the limb. The first of these was called apparent contact, the latter true contact, it being supposed that the latter marked the true time at which the actual contact took place. Again, when, at the end of the transit, the planet was about to pass off the sun, and was approaching the edge of his disk, the moment at which the black drop threw itself across the narrow space between the edge of the planet and that of the sun was considered to be the time of true contact; while the time at which the two limbs, could they have been traced all the way across the black drop, would have been tangent to each other marked apparent contact. Now, the ground taken by Mr. Stone was that certain observations which all previous investigators had interpreted as observations of true contact were really observations of apparent contact. The observations thus altered were those of the Abbé Chappe in San Jose, California, and those of Captain Cooke and his coadjutors in Otaheite. Those of Cooke's observations, which Encke and others had taken to refer to apparent contact, he rejected entirely, while he changed their true contacts into apparent ones. By these alterations he not only brought out a value of the sun's parallax sufficiently accordant with the modern determinations, but he brought all the observations into agreement with each other, thus, as he supposed, vindicating their accuracy.

If we wished to show the careful criticism to which every scientific result is now supposed to be subjected before it is accepted to be a mere pretence, we could not adduce stronger evidence for the ground taken than the treatment of Mr. Stone's paper by the astronomical writers of England. The average reader would have supposed, from the magazine and other articles, that he had solved the great problem of the century. It was strongly hinted that Encke did not understand the

nature and cause of the black drop, and had therefore blundered in his treatment of the observations. "It has been reserved for the genius of Mr. Stone to unravel those intricate appearances which just one century ago perplexed his predecessor, Mr. Green, at Otaheite." Until the occurrence of the transit of 1874, Mr. Stone's views were received as a sort of scientific gospel, to dispute which was a piece of foreign heresy. And yet it needed only an intelligent examination of the descriptions of the observers, as cited by Mr. Stone himself, to show that his interpretations were entirely inconsistent with them. In the case of Chappe's observation of egress, he assumes that that observer missed seeing the formation of the black drop as the planet was about to reach the edge of the sun, and this in face of the facts that Chappe not only clearly makes it known that he was looking for the black drop, and describes the contact as suddenly formed (which description could apply only to the black drop), but also minutely describes the precautions he took to catch the first appearance of the contact. As if to leave no doubt on the point, it happened that a young officer named Pauly, who was alongside of him, observing with a smaller telescope, noted the contact and left the instrument a few seconds earlier than Chappe, which gave the latter the occasion to say that he saw very well that Pauly was too soon. The changes made in the observations of Cook and Green at Otaheite are equally inadmissible; for although the description of the observers is less explicit than in the case of Chappe, yet they are accompanied by drawings which leave no reasonable doubt that if any change is to be made in Encke's interpretation, it is in the direction the opposite of Mr. Stone's.

We have said that the black drop was shown to be due to the imperfections of telescope-vision, giving rise to irradiation; and it was clearly shown years before the late transit, that if the circumstances permitted of good observations of contact, that is, if the atmosphere was steady and the telescope good, and if the observer was practised in its use, then scarcely a trace of black drop was seen. This proposition did not militate against the validity of Mr. Stone's interpretations of the observations of the old transit; still, it seemed to be considered by this gentleman

and his friends that the honor of his work depended on giving the black drop a good character; and they maintained, in the face of all the facts, that that phenomenon should always be seen by every good observer. This view led to positive evil in the observations of the late transit by mystifying the observers, and leading them to devote their attention to looking for something which they would probably not see at all except in imagination. As a matter of fact, it was found that, except Mr. Stone himself, scarcely any able and practised observers saw the black drop.

The opinion now generally held respecting the cause of the error in the old determination of the distance of the sun is, that it is due simply to the uncertainties and difficulties of the observations. Various results can be obtained by changing the mode of treatment, but no legitimate treatment will give a result materially different from that of Encke. The questions which now most interest us are, how certain a result will be given by the observations of the late transit, and whether it will be worth while to send out expeditions to observe the transit of 1882. On the first very little light can be thrown until the observations are completely worked up, and those of different nations compared. No attempt should be made to foresee the result till it is actually reached, and this will require at least two years, and perhaps more. While there is no doubt that the results will be in every way far more reliable and accurate than those of 1769, there is little hope that they will entirely supersede those derived in other ways, and it may even be found that other methods than transits of Venus will be more accurate and less laborious.

Perhaps the most promising of these methods is that of the velocity of light. The time required by light in passing from the sun to the earth admits of being determined within its thousandth part, and it only requires a correspondingly accurate knowledge of its velocity to determine the distance of the sun with an accuracy exceeding that obtained in any other way. The apparatus will be expensive, and the experiments laborious, but the results attainable will amply compensate both the labor and the expense.

SIMON NEWCOMB.

ART. V. — *The Life of Alexander Hamilton.* By JOHN T. MORSE, JR. 2 vols. Boston: Little, Brown, & Co. 1876.

"ORATOR, Writer, Soldier, Jurist, Financier," are the words engraved upon the monument in Boston raised to the memory of Alexander Hamilton. False as monumental inscriptions proverbially are, few persons would deny that Hamilton may justly claim distinction under all the titles in this imposing list. How much and how high distinction he attained in these several capacities are the only questions to be settled, but the answers may well tax severely the strongest and clearest judgment. Tradition says that in the bitterness of personal and political conflict one of his great enemies declared that "he never could see what there was in that little West Indian";* while his other great opponent, possessing a far keener insight into human nature, pronounced him "really a Colossus to the anti-Republican party." † Public opinion today might not coincide exactly with either estimate, but would certainly more nearly approach the latter than the former. But with whatever views or with whatever prejudices one comes to the study of Hamilton's career, it is no easy matter to write his life. To analyze Hamilton's character is the simplest part of such an undertaking. His was not a complex nature, and like many great men, especially those of strongly masculine qualities, the mental lines are clear, direct, and easily followed. The first difficulty is to estimate his worth and the measure of his success in the many fields of human intelligence which he entered. Of all the leaders of our versatile race, no one except Franklin displayed so much versatility as Hamilton. The ability to appreciate and properly criticise him, under all aspects and in all his varying pursuits, demands a breadth of knowledge, a liberality of education, and a strength of mental grasp which are by no means common. Yet the second difficulty, which arises in considering Hamilton's outside relations with the men and circum-

* John Adams.

† Thomas Jefferson: Letter to Madison, Works, Vol. IV. p. 121.

stances by which he was surrounded, is far greater than the first. Not only did Hamilton formulate and carry through a policy which gave existence to our government, and take a principal part against the opposition aroused, but his history fairly bristles with controversies and is inextricably interwoven with bitter personal quarrels. No biographer has an easy task, but Mr. Morse has selected one of peculiar difficulty. The Life of Hamilton, by his son, is but a fragment which stops short of the great period in his career; and the subsequent work by the same author is not a life but a history, and one so detailed as to be useless except to specialists. There was nothing to be undone, no bad work to be done over again. Mr. Morse, therefore, had the advantage of a clear field in which there was no predecessor. To be so situated is fortunate, but the position is one which greatly increases responsibility. To err in an attempt to correct old errors is far better than to propagate wholly new ones. To fail in repairing work already done is a less evil than bad and insufficient construction where nothing has been accomplished. In the one case the matter can hardly be worse than it was before; in the other errors are sown in fresh soil, and on the future historian devolves the disagreeable and difficult task of exposing and destroying them.

To but few men has the power been given to write, in the highest sense of the words, a history at once scientific and popular; and the same is true in a still greater degree, perhaps, of biographies. A few "Lives" have satisfied the demands of the student and historian as well as those of the general public, but they are landmarks in literature which occupy a great and singularly lonely eminence. Between the perfect and the wholly bad there is of course a wide range, and perhaps in regard to some works time alone, not the contemporaneous critic, can decide whether they have or have not elements of permanent interest.

Mr. Morse has given us a very readable and popular Life of Hamilton. This may be fairly conceded, and for this we are duly grateful. It is well that the life of such a man should be put into an accessible form. To write a purely popular book thoroughly well is by no means easy; and yet to say even this

of any new book is but scant praise, with which no author ought to be content. Mr. Morse certainly would not be satisfied by such a kind of patronage, for he has evidently tried to do more than merely popularize. Our intention, therefore, is to look at the book as a whole, without taking it up in detail, and without pretending to weigh out applause here and blame there, or to make a cheap display of knowledge by burrowing after blunders. There are in Mr. Morse's work more inaccuracies than there ought to be in any book, popular or not; but they lie for the most part on the surface, and would be remedied in a second edition. But at the outset it is only fair to say that if the book is to be rigorously judged by the severe standard of difficulties and responsibilities above indicated as the proper test in such an undertaking, Mr. Morse has, in our opinion, failed. In dealing with the career of such a man, the biographer ought not only to approach his subject in the fairest and most candid spirit, but ought to remember that it requires a treatment commensurate with that far-reaching policy and with those deep and bitter controversies which divided a nation in her infancy and shaped her destinies in her youth.

The danger of all biographers is partisanship, although even of this a certain amount is no doubt desirable, or all sympathy is lost. In Hamilton's case, more allowance in this respect must be made than in most others; but, nevertheless, Mr. Morse has gone too far. Too great a desire to consider Hamilton as always in the right is everywhere displayed. The natural result is, that at the doubtful or indefensible points in his career the fatal tone of the lawyer pleading for the criminal is painfully apparent. This is a wrong to the hero no less than to the public. If the man cannot bear the light of truth as well as the most searching criticism, he ought to fall; if he can, then he is injured by ingenious defences offered to conceal his faults. The wrong to the public by such a course is obvious. Mr. Morse is not, perhaps, liable to these strictures in all cases or in their greatest severity, but he is still liable to them in too great a degree. The candid spirit alluded to, which seeks only justice, is far too often wanting.

To determine how far Mr. Morse has succeeded, or how far he has failed in rising to the level of his subject, demands a

discussion of the character and career of Hamilton himself. But before proceeding with that criticism on Hamilton which can alone bring out points of difference with his biographer, a few remarks on the general construction of the book will not be out of place. By far the best portion of it, and a very excellent piece of work, is the chapter on "The Treasury and Federalism." Perhaps Mr. Morse sees the merits more clearly than the defects of the Federal policy; but he has grasped firmly the true nature of that policy, and his exposition is well and forcibly done. The chapter reads like an essay, it is true, and this is a difficulty and fault with the latter half of the entire work. Chronological sequence and historical continuity are disregarded, until the second volume resembles a series of disconnected essays rather than a biography. This is a defect in more ways than one; it abates the interest of the narrative as well as the historical value of the book, and tends to destroy its dramatic effect. Another defect is the omission of all references. In a work which draws freely on material already printed, and which contains numerous literal quotations, nothing is more trying than to have no references in the form of foot-notes, and not even a list of the authorities consulted. Such a mistake bears most hardly against the author, for it annoys every competent critic and produces a strong sense of doubt and insecurity even among persons who would never think of verifying a citation.

Hamilton's precocity was very striking, even in an age and country remarkable for precocious men. When only fourteen years old he conducted, in the absence of his employer, the large and complicated business of a West India merchant. At eighteen years, while still a college student, he wrote two of the most successful controversial political pamphlets which appeared at a time when that form of agitation was used by the ablest men, and when there were not only vigorous enemies to be encountered, but eager and friendly rivals to be surpassed. At the same age he had the courage to address excited public meetings, and to restrain by cool arguments, at the risk of his life, the frenzies of the mob. It is very significant that a boy of that age, slight in stature, and a stranger in the land, should have been able, on such occasions, to speak successfully. He

soon entered the army, and a year later was picked out by Washington to serve as his confidential aide. Even at that early period of their friendship, Washington employed Hamilton to draft many of his important letters, and intrusted him with most delicate and trying missions. Nothing in the intercourse of these two men during the Revolution, nothing in all Hamilton's career, gives such a vivid idea of his intellectual power as his quarrel with Washington in 1781. The whole affair, properly considered, is a very striking one; Mr. Morse apparently regards it simply as an obvious and trifling disagreement. Such it was on the surface; but if examined carefully with due regard to the characters of the parties, it is full of meaning. The quarrel has now become famous and its outlines are simple. The young aide kept his general waiting, or at least the latter thought so, and reproved him for his delay with some asperity. Whereupon the young gentleman drew himself up and said they must part. In explanation of his conduct he wrote the well-known letter to Schuyler in which he expressed general disapproval of Washington's personal address, manners, and temper. Washington, on the other hand, made an immediate overture towards reconciliation, which was rejected by Hamilton, who, having at a subsequent period got over his bad temper, applied to Washington for assistance. Washington at once received him kindly, and their friendship was never again interrupted. What is the true explanation of this singular action? Hamilton's part is easily accounted for. He was hot-tempered, self-asserting, and quarrelsome, and the tone of his letter, as well as the cold-blooded manner in which he used the pretext afforded by this trivial disagreement in order to quit what he chose to consider an inferior position, place him in no amiable light. Washington's conduct is more difficult to understand. He had spoken sharply, as he had a perfect right to do, to a tardy aide-de-camp. Yet he put himself to some trouble and to some sacrifice of personal feeling to conciliate a proud, overbearing boy. The picture of Washington, before whose very glance so hardy a man as Gouverneur Morris is said to have shrunk away abashed, faced by an angry stripling whom he afterwards strives to appease, is an extraordinary one. Such a course seems to

admit of but one solution. Washington in this instance appears, not as the great man who sees and acknowledges a wrong, for he had committed none, but as the wise man who declines for a trivial gratification to drive a friend of force and ability into revolt. This view can add nothing to our admiration of Washington's judgment, but it is of value in appreciating the mastering power of Hamilton's mind at that early period. No other event shows so clearly the impression he produced on his contemporaries.

Mr. Morse has passed lightly over Hamilton's military career, and in so doing has acted wisely. The Revolutionary period is the most picturesque part of our history. Every actor in it is known, and every battle-field familiar. To describe Hamilton's mission to Gates, his conduct at Monmouth, his reception of D'Estaing, is not necessary. Nor need his biographer quote the vigorous yet pathetic description of the flight of Arnold and the execution of André, for this has become classic. Still less is it needful to detail the attack at Yorktown. Americans know well how Hamilton led his countrymen across the abattis and captured in nine minutes one of the British redoubts whose fellow occupied our French allies half an hour. The merest outline of Hamilton's military career is all-sufficient. His services and successes were those of an ardent young man, full of courage and ability; but Hamilton's zeal has induced many persons to greatly overestimate his love of military life. To a mind like his, strong, energetic, executive, and systematic, a military life offered many attractions. He displayed all the necessary qualifications of a soldier, and gave promise of becoming, if the opportunity occurred, a successful general; but though his genius might have been forced by circumstances into this channel, it would never have turned there naturally. At no time during the war was utter absorption in military affairs characteristic of Hamilton. The letters to Duane, written at that time, on the formation of a stronger government, and the remarkable essays on finance, addressed to Robert Morris, clearly show the bent of his mind. This army life had, however, an important effect in strengthening his natural tendencies. The miserable discussions and ever-increasing impotence of Congress, its unworthy cabals against Washington,

and its failure to perform its first duties, all of which bore most hardly on the army, and was there most felt, filled Hamilton with a reasonable distrust and hatred of all weak popular governments. His efforts, while in Congress, in 1782–83, to provide for the debt, to pay off the soldiers, to secure proper garrisons by a new army, and to make public the debates of Congress, all proved fruitless, and served to deepen his already strong convictions. All his struggles came to nothing, and this drove him back from the hopeless task of legislation to the more congenial and profitable pursuit of his profession, which for the next five years he assiduously practised. He had been admitted to the bar after a very hasty and necessarily inadequate preparation, but his great powers of acquisition and his eloquence raised him at once to eminence as a lawyer, and made him strong both with bench and jury. Hamilton's mind adapted itself readily to law. To say how good a common lawyer he was is at this day impossible, if one is obliged to rely solely on the arguments which have been preserved. These are too few in number to warrant a conclusion, but the question of contemporary opinion is easily settled. His success was immediate and brilliant, and from the causes which he conducted it is clear that the first rank was conceded to him both by the profession and by the public. No one can say whether he was learned in the law, a scholar versed in the authorities; from his speedy preparation and the immediate rush of professional duties, the inference would be that he was not. He possessed, however, what is far more important in estimating his legal powers, the capacity in a high degree for pure, original, and sustained legal thought. This is proved beyond a peradventure. If any one wishes to test this statement, let him study the numerous state papers in which Hamilton was called upon to deal with questions of international law. There is in them much learning, but, what is of infinitely more importance, there is the creative power, the evidence of a mind able not only to develop principles, but to apply them to facts. Still better proof is afforded by his discussion of points of constitutional law, the best example of which is to be found in his argument on the National Bank,* which can be submitted to

* Hamilton's Works, Vol. III. p. 106.

the most severe of all tests, a close comparison with one of Marshall's. Let Hamilton's argument be read and then the decision in McCulloch *vs* Maryland.* This is not the place to discuss the constitutionality of that famous measure, but as a piece of legal reasoning the argument of the Secretary does not suffer when put side by side with the luminous decision of the chief justice. Mr. Webster once said that when Marshall extended his forefinger and began, "It is conceded," he saw in anticipation all his favorite arguments falling helplessly to the ground. Hamilton produces the same sensation. If any one cares to try the experiment, in order to understand Marshall's greatness, let him endeavor to condense or confute one of his decisions. If any one doubts that Hamilton was a great lawyer, let him try the same experiment on his arguments. Success is no doubt possible in both cases; but we err very greatly if in either attempt a fair-minded man will not become convinced of the greatness of his opponent. We are very far from meaning by this that Hamilton was the equal of Marshall. We are aware of no one who has rivalled the chief justice, but that Hamilton was a great lawyer, and possessed a legal mind of the first order, is an opinion that admits of proof.

Toward the close of this first period of professional life Hamilton served in the New York Legislature. The same ill success attended his efforts for better government there, as in Congress. At last his exertions for a convention met with a response. He attended the preliminary meeting held at Annapolis, and drew up the address then issued, calling a convention of all the States at Philadelphia. With great difficulty Hamilton secured a delegation from New York to the Constitutional Convention. This delegation, of which he was a member, was so composed as to render him powerless, both his colleagues, Yates and Lansing, being Clintonians, and strong State-rights men. Hamilton's position in the Convention was, therefore, a wholly anomalous one, for the vote of his State was sure to be cast against every measure he favored. Mr. Morse has, we think, rightly described Hamilton's course in the Convention as a purely independent one, and has not sought to make his efforts there the foundation of his reputation

* 4 Wheaton, p. 316.

as the great supporter of the Constitution. Hamilton presented a plan differing from both those before the Convention, and then withdrew, leaving his suggestions and arguments to do what good they might. His plan differed from the one finally adopted in only two essential particulars, — a Senate and President during good behavior, and the appointment of State governors by the central government. He returned to the Convention only at its close, to use his personal influence in favor of the acceptance of the final draft. Hamilton's subsequent efforts to secure the adoption of the Constitution form his chief and truest claim to glory in this respect. Discussion of the merits or effects of the remarkable series of papers known as the "Federalist" would be superfluous. The greatest legal minds have set the seal of their approbation upon them; and in modern times, in the formation of a great empire, statesmen have turned to them and to their principal author as the pre-eminent authority on the subject of federation. The effect of these remarkable essays in converting and forming public opinion can hardly be over-estimated; but Hamilton's most unalloyed triumph at this time, and one of the most brilliant of his life, was his victory in the New York Convention. Entering that convention in a small minority, faced by determined opponents led by men of first-rate ability, Hamilton ended by securing the adhesion of New York, — a matter at that time of vital importance to the new scheme. His speeches on this occasion afford an excellent insight into his mind, and enable the reader to understand his powers as an orator. One looks in vain in all he then said for those brilliant similes and those flights of the imagination which usually characterize oratory. Nowhere is there to be found an appeal to the emotions; there is not one passage intended to sway the hearts of men rather than their judgments. It is all pure reasoning and argument. And yet no one can read these speeches and not feel the mastering force of the great orator. How much more powerful must they have been to those who heard them, who could feel the influence of the earnest nature, who could see the light in the dark, deep-set eyes, and catch fire from the fervid temperament of him who so reasoned with them! It was the eloquence of reasoning, of arguments addressed to men's sober second

thoughts, of demonstration of error and of the support of truth. In this most difficult path Hamilton succeeded. His speeches bore the severest of all tests, and passed triumphantly through the ordeal. It is almost a proverb that a measure is rarely carried by a speech; Hamilton not only won over votes, but he actually converted a hostile majority into a favorable one. Unaided by popular outcry, in a State where, on his own showing, four sevenths of the people were against him, by the strength of his arguments, by the splendor of his reasoning, he brought his opponents to his feet, confessing that he was right and they wrong. The long annals of English debate have few such purely intellectual triumphs to show.

This brings us to an end of the necessarily slight sketch of Hamilton's early career. This portion of his life, especially his early youth, is rather obscure, and Mr. Morse has added nothing to our very meagre stock of knowledge. One would like to know more of Hamilton's antecedents, education, and boyhood. Perhaps Mr. Morse's researches have been fruitless, but certainty at least on this point would have been desirable. Another criticism may here be appropriately made which, unfortunately, cannot be confined to this portion of the work. There is nothing which shows us Hamilton as he was, nothing which brings home to us his personality, no attempt to give those delicate touches and fine traits which go to make up the vivid portraiture so essential to biography. The material may not exist in the fullest measure, but there is enough in an accessible form to have accomplished more than has been done. The book contains too much favorable criticism on Hamilton's career, and not enough delineation of the man.

With the victory in the New York Convention the first period of Hamilton's life closes. Rich as it was in results, it was still richer in promise. To the second period belong the great fruits of that promise, which have given Hamilton a place among the great men of his age and nation, and also the errors, the sometimes fatal errors, which marred the results of his achievements. To enter into an examination of Hamilton's course during this time, even were it as brief as that given to his early years, would be to write a history of the Federal

administrations. Criticism must here be confined to the most salient features of the picture. Two points stand out in great prominence; they are the dramatic points in this period of Hamilton's life. We refer, of course, to the financial policy which gave existence to the government and created a great party in its support, and to the conduct which resulted in the ruin of the Federalists. Before entering upon this discussion it becomes necessary to say a few words as to the condition of affairs with which the new government was called upon to deal, and also upon the component parts of the administration.

The Revolution, like all wars, especially all civil wars, had unsettled society, and had given a great shock to political habits. In this instance it had done even more, by destroying one of the balance-wheels of society. The aristocratic, wealthy, and conservative class had been almost entirely swept away. One of the principal barriers against anarchy had been destroyed, and free scope and full encouragement were thus given to the most pernicious and extreme errors of democracy. Washington, Hamilton, and a few others, here and there, had striven, apparently in vain, to stem the flood. But natural forces, stronger than any efforts individuals could make, were slow but sure allies, and in their operation made the Constitution a possibility. Time, of course, gave opportunity for the gradual re-formation of the conservative elements. New men who had acquired wealth, the remnants of the old Tory families, and intelligent and able men everywhere, now relieved from the stress of war, began again to come forward and to make their influence felt. This was, however, a very slow process, and alone would have been insufficient to produce a change. Something stronger was needed, or the new conservatism would have perished in a general wreck. The requisite pressure came, however, very readily. Affairs under the confederation went on steadily from bad to worse. Congress sank into a state of hopeless decrepitude, and their committee appointed to take charge of the nation forsook its post and left the United States for more than six months at a time without any Federal head. The finances went utterly to rack and ruin. All the States, with few exceptions, engaged actively in the work of wholesale repudiation. Disintegration set in. The large

States, in almost every instance, were threatened with dismemberment; and the smaller States contemplated withdrawal from the old confederation in order to form new ones. In Europe our position was pitiable and humiliating to the last degree. We had become a by-word and reproach in every mercantile community. Pitt refused to treat with us. Vergennes spoke of us with undisguised contempt; and all the Continental powers looked forward exultingly to our speedy ruin. Matters did not stop here. Disorder and repudiation were followed by general license and an outbreak of the communistic spirit. Insurrections began in various parts of the country, and finally culminated in the Shays Rebellion, in Massachusetts, which threatened extinction to such national government as still survived. Such a condition of affairs produced a violent reaction, which resulted in the adoption of the Constitution and the setting in motion of the new political machinery. The experiment was to be made while the enemies of a strong central government were awed into silence by the disorders which menaced the national life. The men who, afterwards, formed the Federal party had achieved a victory, and made an attempt at government possible, but they entered upon their task while still a minority.

Washington was elected to the Presidency as the choice of the whole people, and his wish was to govern in this sense and not as the leader of a party. With this desire he called to his administration the ablest men representing the opposing political elements. In short, Washington determined to try once more with an Anglo-Saxon race and a representative government the experiment of administration independent of party. In point of ability no such Cabinet has ever been formed in this country, although this ability was chiefly confined to two men. Knox was far from being the fool described by Jefferson, but he was equally removed from greatness. A brave soldier, an honest and rather commonplace man, Knox is chiefly to be praised for the sense and fidelity with which he followed the lead of Hamilton and eschewed the counsels of Jefferson. Randolph was an abler man than Knox, but is very far from deserving the same amount of praise. Vacillating and selfish, although regarded by Hamil-

ton as the blind follower of Jefferson, he was, nevertheless, a constant source of anxiety to the latter, who could never depend on him. False to his supposed leader at this time, he subsequently betrayed his official trust and was unfaithful to Washington himself. Around the other two Secretaries gathered gradually the opposing political forces of the country. Except that they were both men of genius, two more totally different characters than the Secretary of State and the Secretary of the Treasury can hardly be conceived. Jefferson was a sentimentalist; a very great one no doubt, but still a sentimentalist pure and simple. Hamilton was the very reverse. Hamilton reasoned on everything, and appealed to the reason of mankind for his support. Jefferson rarely reasoned about anything, but appealed to men's emotions, to their passions, impulses, and prejudices, for sympathy and admiration. Hamilton, in common with all the leaders of his party, was, in practice, a poor judge of human nature; when he failed to convince he tried to control. Jefferson knew human nature, especially American human nature, practically, as no other man in this country has ever known it. He never convinced, he managed men; by every device, by every artifice and stage effect, by anything that could stir the emotions, he appealed to the people. As he was the first, so was he the greatest of party leaders; in this capacity no one has ever approached him. Hamilton was consistent, strong, masculine, and logical. Jefferson was inconsistent, supple, feminine, and illogical, to the last degree. And these were the two men whom Washington had joined with himself to conduct in harmony the administration of a representative government and of an Anglo-Saxon race. That Washington, like William the Third, failed ultimately under such circumstances to carry on a no-party administration, is merely to say that he could not overcome the impossible. That he succeeded for four years in his attempt is simply amazing. If the violent extremes of thought and character represented by Hamilton and Jefferson be fairly considered and contrasted, and if it then be remembered that Washington held them together and made them work for the same ends and for the general good of the nation during four years, a conception of Washington's

strength of mind and character is produced which no other single act of his life can give.

Under such circumstances, and with an administration so constituted, the people of America began their experiment. Gouverneur Morris had said in a letter to Jay many years before: "Finance, my friend; the whole of what remains of the American Revolution grounds there." * So it might now have been said that the whole of what was to be the American Union grounded there. The bane of the Confederation, the power which tumbled that weak structure to the ground, was finance, and it was the pivot on which the future of the country turned. To Hamilton, of course, fell the duty of shaping, or rather of creating, a financial policy. On Hamilton was laid the burden of giving tangible existence to a government which as yet existed only on paper. The Secretary grappled fearlessly with the great problem before him, and the appearance of his first Report was the dawn of a new era in American history. That policy, which will make its author famous as long as the history of this country survives, was divided into three parts; the payment of the foreign debt, the payment of the domestic debt, and the assumption of the State debts. The necessity of paying the foreign debt was conceded by all, and duly provided for. The modern refinement which holds foreigners to be destitute of rights was not at that period broached, nor apparently so much as even thought of. On the second point great dissension arose. The extremists in opposition were in favor of not paying the domestic debt in full; the more moderate were in favor of discrimination among the holders of the certificates, — a proposition absurd in itself, and which involved an absolute contradiction of the very theory advanced. After a prolonged struggle this measure was also carried. Then came the tug of war, — the assumption of the State debts. In the second question the opposition had not a show of reason to support their views, but on the State debt two opinions were possible. Hamilton argued, "that it was a measure of sound policy and substantial justice," because "it would contribute, in an eminent degree, to an orderly, stable, and satisfactory arrangement of the national finances. Admitting, as ought to

* Sparks's Life of Gouverneur Morris, Vol. I. p. 234.

be the case, that a provision must be made, in some way or other, for the entire debt, it will follow that no greater revenues will be required, whether that provision be made wholly by the United States, or partly by them and partly by the States separately."

"The principal question then must be, whether such a provision cannot be more conveniently and effectually made, by one general plan, issuing from one authority, than by different plans, originating in different authorities? In the first case there can be no competition for resources; in the last there must be such a competition."

A vivid picture of the disasters and troubles which such a competition of resources would inevitably cause follows. Unfortunately, this vigorous passage is too long for quotation. The Report then continues: —

"If all the public creditors receive their dues from one source, distributed with an equal hand, their interest will be the same. And having the same interests they will unite in the support of the fiscal arrangements of the government,— as these too can be made with more convenience where there is no competition."

"If, on the contrary, there are distinct provisions, there will be distinct interests, drawing different ways. That union and concert of views, among the creditors, which in every government is of great importance to their security, and to that of public credit, will not only not exist, but will be likely to give place to mutual jealousy and opposition. And from this cause the operation of the systems which may be adopted, both by the particular States and by the Union, with relation to their respective debts, will be in danger of being counteracted." Proof is then offered that the State creditors would be in a worse position than those of the Union, and the injurious effects of this pointed out. The debts of the States are shown to be of the same nature as those of the Union, and this portion of the Report concludes with a plan for assumption.*

The opposition were not convinced, and the parties came to a dead-lock. Hamilton was driven to desperate measures. He had failed to convince, he could not control, he was unable to manage; there was but one escape, — he negotiated. Jefferson

* Hamilton's Works, Vol. III. pp. 13–17 inclusive.

was called to the rescue, and Hamilton arranged with him that the debts should be assumed, and the capital in return be placed on the Potomac. Mr. Morse has termed this transaction a "happy solution." Ingenious it may have been, but "happy" it certainly was not. Nothing so wrong in principle could have been "happy." It was a trade, a bargain, and the plain English of it is that Hamilton bought the necessary number of Southern votes. There is no evidence that Hamilton regarded it in any other way, and his silence on the point is very suggestive. The other party to the contract has left us a full account. Jefferson, having gratified his sectional prejudices, endeavored subsequently to escape from responsibility. In order to do this he raised a cloud of falsehood, and excused himself on the ground, unparalleled for its cool and consummate audacity, that he had been duped by Hamilton.

The financial policy was thus complete. Our intention is not to discuss its merits as a scheme of finance, or to endeavor to criticise it as a funding system, but simply to treat it as a great state policy. No reasonable man would now dispute the first two propositions as to the foreign and domestic debts, but on the assumption of the State debts opinions have differed. It has been urged that as a whole it was too strong a policy, that it endangered the existence of the government and of the Federal party. Those persons who argue in this way forget that there was no government and no party until this policy gave them both existence. If it be said that it endangered the success of the new scheme, the only reply is that a scheme too weak to stand such a strain was a worthless one. Weak, popular policy had wellnigh ruined America, and the time had come when a most vigorous and energetic one could alone save it. Putting aside for a moment the first two divisions, can it be fairly supposed that the policy would have been better without assumption? To our mind, the arguments of Hamilton, already cited, are absolutely convincing. Without assumption, disintegration and consequent anarchy were probable, trouble and disaster certain. The great merit of the scheme was in its cohesive force, and this of itself is overwhelming. Mutilated in this respect, the policy would have effected comparatively little, and would have been shorn of its

most essential part. But it is folly to attempt to multiply arguments. In a field where Hamilton has gathered, few men can find much to glean. The means by which the measure of assumption was carried are wholly indefensible, as to the men who participated. Such a trade was undoubtedly better for the country than non-assumption, but it has left a blot on the reputation of Hamilton and Jefferson alike. It was not a compromise, as Jefferson called it; it was a bargain and sale, the deliberate trading of one measure for another. But the policy, as such, was none the less great; and despite the railings of Hamilton's enemies, then and now, the great achievement of his life has earned the gratitude of the American people. Nothing can detract from the bold, creative genius and the manly energy which made national existence a possibility.

The work of Hamilton bore the test of immediate trial, and the success was brilliant. The Constitution was not destroyed but strengthened, the government was converted from a dream to a reality, and a great party was called into being. In discussing its merits as a scheme of finance, it can at most be said that Hamilton himself might have improved it. It cannot be urged that there was any other scheme then presented, or any objections then brought forward of the least weight. Jefferson's criticisms would disgrace a modern school-boy, and display a profundity of ignorance of which he can hardly be conceived capable. Madison opposed the policy because he was a Virginian, and wished to remain in public life; and the result was that the emanations of his mind, usually so lucid and powerful, are on this subject absurd to the last degree. If Hamilton erred in details, it can be proved in but one way, from his own utterances, assisted by the advances of a century of progress.

Such measures, while they were certain to rally a powerful party to their support, were equally certain to arouse a violent opposition. Very unfortunately, the opponents of Hamilton were incapable of offering any reasonable opposition to his measures, and this drove them to attack him personally, and on the score of honor and character. Even more unfortunate was the fact that the leader of such an opposition was Hamilton's colleague in the Cabinet. The inevitable explosion fol-

lowed. One great Secretary hired a wretched versifier and hack-writer by a government place, and then aided and abetted him in an attack on his colleague. The other great Secretary rushed himself into the arena, descended into the newspapers, with scarcely the poor excuse of self-defence, to deface and tear to pieces the character of the prime minister of the administration of which he was himself a member. A very sorry sight, indeed, do all parties in this broil present. After this there could, of course, be no peace, and the Cabinet soon broke up. The rest of Hamilton's official life was dignified and honorable. He had created and carried into operation the National Bank, at that time an essential and useful measure, and devoted himself to perfecting the organization and directing the policy which he had originated. The latter portion of the Secretaryship would be pleasant to dwell upon. To describe the attack made by the miserable Giles, backed secretly by Madison and Jefferson, and the sudden and energetic manner in which Hamilton turned upon the wretched tool and crushed him, would be to describe a very dramatic incident. Many morals useful at the present day also might be drawn from this proceeding. There was no chicanery, no abuse of the accusers, no attempt to divert attention from the real issue. On the contrary, Hamilton told every detail, and by almost superhuman efforts laid bare in two weeks his whole career as Secretary. Strong in his integrity and dignified in his virtue, Hamilton not only met every charge, but repeatedly demanded fresh investigations from those who had crushed themselves in attacking him. To dwell upon the last days in office, and the sincere regrets of Washington and the Federal party at his resignation, would be still pleasanter. But all this must be passed over, as well as those years of active professional life during which Washington still turned to his former Secretary for counsel and advice, still asked him to draft his messages, to advise the Cabinet, and to give his powerful support.

It is necessary to turn to the second great event in Hamilton's career, the downfall of his party. The Federalist party was a very remarkable political organization. For twelve years it not only carried out a strong policy, but it succeeded in raising up around the constitutional liberties barriers so

strong that when the great tide of democracy set in with the election of Jefferson, it was confined by certain limits which it could not destroy. In short, the Federalists had made disintegration so difficult as to be for many years practically impossible. Yet the men who accomplished all this were never, except during the French excitement, in sympathy with the majority of their countrymen. They succeeded by sheer weight of ability. With the exception of Jefferson and Madison, the latter of whom can be fairly numbered with neither party, the Federalists comprised all the able men in the country. Washington, Marshall, Hamilton, and John Adams are alone enough to justify all that can be said on the score of ability. But when it is considered that the second rank was filled by such men as Jay, Gouverneur Morris, Rufus King, Ames, Sedgwick, Pickering, Wolcott, Ellsworth, Dexter, Dana, and the two Pinckneys, to go no further, the combination must have been one of irresistible power. By their intellectual supremacy they carried one strong measure after another against great odds, and forced the people into the strait and narrow path which led to an honorable and prosperous future. But with all their strength and all their ability there was one condition, and that a very delicate one, on which their whole success depended. So long as all moved in harmony they could always defy a democratic majority; but the instant perfect unison was lost, ruin became inevitable. So long as Washington remained in the Presidency, the Federalists were safe. His unquestioned greatness formed a bulwark which no one was willing to dash himself against, and every one stood in awe of his personal character; but the withdrawal of Washington severed this bond, and in the nature of things the dissolution of the Federalists could have been averted only by the most consummate tact, the most delicate consideration and mutual forbearance on the part of the leaders. After the retirement of Washington, the Federalists were not even so far fortunate as to have an undisputed chief. There were two men, neither of whom claimed leadership, but each of whom considered himself its indisputable possessor. Unhappily, also, both were to a certain extent right. Adams was the leader of the party *de jure;* Hamilton, *de facto.* Neither considered the

other's claims, or apparently admitted that he had any. Adams's course was perfectly clear, to unite Hamilton to himself by the strongest tie. He had been elected by a party; he represented that party and their policy; he was bound by every rule of common-sense to hold his party together by all honorable means. The one necessary quality was tact, or rather the most consummate address, and this John Adams did not possess. It was perfectly possible to manage Hamilton; he was by no means an unmanageable or unreasonable man when properly treated. Washington had already managed him with perfect success. Tact, good judgment, consideration, and a certain amount of deference were required, and all might have gone well. But it never occurred to Adams that this was necessary, or that he alone was not quite competent to control the Federal party. A more fatal blunder was never committed. Whatever Hamilton's merits or defects may have been, it is certain, as a matter of fact, that to attempt to run the Federal party without at least his tacit approval was an impossibility. Hamilton's true course was equally obvious. Occupying the position he did, he was clearly at liberty to offer frankly his suggestions to the President. If these suggestions were rejected, then he ought either to have held his tongue, or, if the worst came to the worst, have gone into open opposition. Hamilton did neither. As Adams had a theory that he could control the party unassisted, so Hamilton had a theory that he could control Adams. In pursuit of this theory he committed a blunder as fatal as Adams committed in the pursuit of his. He undertook to manage Adams through the medium of his Cabinet. With both the leaders of the party hopelessly committed to radical errors, the new administration opened.

There is nothing in the whole province of history so disagreeable or so generally worthless as personal quarrels. In this case we are reluctantly compelled to the distasteful task of following the outlines of such a quarrel, because personal animosities were the sole cause of the premature ruin of a great party. We have tried to indicate the fatal theories to which both Hamilton and Adams were wedded; it merely remains to point out some of the worst results.

Even before the election trouble had arisen. Hamilton's

one desire was to defeat Jefferson for the Vice-Presidency; he held, and rightly, that this could be effected in but one way,—by casting all the Federal votes equally for the two Federal candidates, Adams and Pinckney. The danger of this course was, that Pinckney, the second choice, might be brought in over Adams who was the first choice. This risk Hamilton was perfectly ready to take, and made no secret that, to him personally, such a result would have been agreeable. There is not a scintilla of evidence that he ever intended to do more. He has been charged with bad faith, but it is a perfectly groundless charge. He never pretended that the election of Pinckney would displease him, but he never intrigued with a view to defeat Adams. The accusation was freely made at the time by the friends of Adams, and denied by those of Hamilton. The publication of the private letters of all parties has sustained fully the denial. Adams, naturally enough, however, took great umbrage. With perfectly human inconsistency he was angry because Hamilton did in 1796 what eight years before he had abused him for not doing. The Adams men, however, threw away their votes, and Jefferson, as Hamilton had anticipated, in consequence secured the Vice-Presidency. Temporarily this cloud passed away, and for some time things went smoothly. At last came the alarm of war with France, and Washington was called upon to take command of the provisional army. He accepted the call on condition that the general officers should not be appointed without his consent. To this condition the President acceded. Washington made up his mind that, in the formation of the new army, the only proper and sensible course was to proceed entirely *de novo*, without any reference to the old army. He hesitated for some time as to whether Hamilton or Pinckney should be second in command; from the beginning he considered Knox unfit to be next himself. In favor of Pinckney were political considerations of his weight and influence, since the seat of war would probably have been in the Southern States. In favor of Hamilton were greater abilities, his own preference, and that of the Federal leaders. The latter considerations prevailed, and he sent in Hamilton's name at the head of the list. The President sent it back, the order

unchanged, to the Senate, and the commissions were all dated the same day. The President then, Knox being dissatisfied, suddenly changed his mind, and put Knox first. Washington objected and wrote a letter, which could hardly have been pleasant reading for the President, who thereupon gave way. Hamilton's friends had written to Washington in the beginning urging his claims, as they had an undoubted right to do, and they wrote again in great alarm when the President changed his mind. Adams gave as his reason that he thought Knox legally entitled. Washington had rejected this theory from the beginning; and, at the very time when it was put forward, Adams was making other appointments which directly contravened his own rule. In describing this affair we have regarded nothing but the original letters from all parties, and have based our account, as far as possible, on the letter detailing the whole business from Washington,* whose sense and veracity we have no inclination to dispute. The most that can be said against Hamilton in this affair is, that he wrote a letter, in a tone somewhat disagreeably self-asserting, urging his own claims on Washington. On Adams must fall the whole blame for precipitating a quarrel on this point. The reason he gave for his action was perfectly untenable; and it is hard to see that he was actuated by anything except a dislike and dread of Hamilton. This difficulty, at any rate, made all parties bitter and suspicious. Hamilton and his friends began to see that they could not control the President, and to suspect that he meant to destroy and break them down, while Adams, smarting under a sense of defeat, became suspicious of intrigues to control him, which certainly existed, though not in this particular case. The quarrel engendered by this rash and mistaken action on the part of the President soon broke forth again with tenfold force. We have said that things went smoothly at first, a piece of good fortune which arose from the fact that Adams and Hamilton both favored the same policy, thus making an irresistible combination, against the power of which the well-disposed but very narrow-minded Cabinet struggled in utter helplessness. This is the strongest proof of the absolute necessity of that union which overween-

* Washington's Writings, Vol. XI. p. 304.

ing self-confidence caused both the Federal leaders to reject. In the great excitement attendant on the indignation against France, the Federal party received general support; and, for the only time in their history, found themselves masters of a complete majority which, with the war fever, seems to have turned their heads. They proceeded, unchecked, to great extremes. Their greatest mistake was the passage of the Alien and Sedition Acts. The idea conveyed by Mr. Morse that Hamilton opposed these measures is quite erroneous, since, as a matter of fact, he was one of their strongest supporters.* The mistake has arisen from a too hasty reading of Hamilton's urgent letter to Wolcott, which was really directed against the first draft of the Sedition Act, — a most outrageous proposal, which no man in his senses would have supported. All the Federalists alike are responsible for these measures, which subsequently told so heavily against them. They were errors due to the dogmatic character of the Federal leaders, and their ignorance of the popular nature. All co-operated very heartily in the war measures, but Adams was the first to see the honorable opportunity for making peace. True to the policy of Washington, true to the best interests of the country, to his lasting honor he saw the right and pursued it. It was the greatest act of Adams's life, and is alone sufficient to stamp him as a truly great man. At a very similar juncture Washington had carried through the Jay treaty, and brought his party out from the ordeal more united than before. Lack of tact again proved Adams's stumbling-block; and though he carried through as bravely and courageously as Washington the same true policy, without a thought for himself or the hazards of the undertaking, he did it in such an unfortunate manner as to bring his party out of the struggle rent with dissensions. Hamilton was not bent on war at all events, but he was much less ready to seize the first chance for peace than Adams. By no means as violent against the proposed peace-commission as his less able friends, he yet opposed and strove to delay the departure of the envoys. He even tried, personally, to change the President's opinions; but Adams was too clearly in the right and too perfectly conscious of his own

* Hamilton's Works, Vol. VI. p. 387.

rectitude to think of yielding. The commission was sent, the country was saved from a useless and destructive war, but the Federal party was ruined. Adams's conduct in neglecting Hamilton, and in the affair of the generals, had been the first stroke; but it was reserved to Hamilton and his friends to deal the death-blow to the party. Adams, justly indignant with the course of his Secretaries, dismissed Pickering and McHenry; and Hamilton, on the eve of the election, published his famous attack on Adams. This was the great error of his life. Politically, it was a piece of inconceivable weakness and folly; morally, in the use made of the private information received from the Secretaries, it was wholly unjustifiable. Blinded by passion, Hamilton had ruined Adams and the party together, and was destined before reason returned to leave a blot on his own fame which cannot be effaced. This was the proposal to Jay to convene the actual legislature in extra session, change the electoral law, and take the choice of electors out of the hands of the legislature elect. A more high-handed and unprincipled suggestion cannot be conceived. Jay, very properly, would not listen to it.

All was now over. Adams and Hamilton between them had destroyed their party, and on them the whole blame must rest. Hot-tempered and domineering, neither would give way, and the real if not avowed struggle between them for supremacy brought down in undistinguishable ruin the party they had helped to build up. The Federal party had done a great work, and had insured, so far as possible, a stable government. It found America degraded in the eyes of the world, weak and helpless, rent with internal disorders, on the very brink of final ruin. It left her respected abroad, strong and powerful at home, secure under a settled and stable government, fairly started on the broad road of greatness and prosperity. So great had been its policy, so wise its measures, that though Mr. Jefferson and his friends came into power, they were forced to accept the system of their enemies. With the exception of the Alien and Sedition Laws, there was no act of the Federalists that the Democrats either dared or could undo. The debt of gratitude due to that now almost forgotten party

is immense, and their admirers may point to their achievements for vindication and be content. Yet there is no sufficient reason for assuming that the career of the Federalists must necessarily have ended as it did. There was at least a fair prospect that a long period of usefulness was still possible, that in their strong hands the miseries and disgraces of the next fifteen years might have been avoided, and that they, instead of their opponents, might have enjoyed the fruits of their own hard labors. Ultimately, Jeffersonianism must have prevailed, but at the time of its actual triumph it came too soon. Jefferson's early victory was secured solely by the errors of his opponents. So long as the Federalists were united they were invincible. But Adams's display of jealousy in his appointments of major-generals, his rough-shod riding in the case of the peace commission, and Hamilton's mad retaliation upon him, together with the intrigues of the Secretaries, destroyed at once the subtle charm. The delicate organization, once shattered, could never be restored.

There is a feeling of intense relief in turning from Hamilton amidst the falling ruins of his party, to consider his conduct in regard to Burr. The last of the Federalists to lose his head, he was the first to regain it. Gouverneur Morris has described himself after the defeat as standing in the unenviable position of the one sober man among a crowd of drunken revellers. The simile was only too apt. The Federalists were drunk with rage, maddened by their own folly, frenzied with hatred of their arch-enemy Jefferson. In this dangerous mood they listened to the intriguing whispers of Burr. Hamilton threw himself into the breach. He hated Jefferson, he was personally on good terms with Burr. But he knew Burr's character, and he abhorred the fraud which was contemplated. A few Federalists listened finally to the voice of their leader, and Burr was defeated. The foresight, the courage, the energy of Hamilton saved the country from a great danger, and his party from a disgrace a thousand times worse than any defeat. Almost the last act of his life was directed to the same object, and we see him at the close striving to save the good name of his friends and support the Union he had done so much to create.

We have tried to depict Hamilton as the soldier, orator, jurist, statesman, and financier. A few words on him as a writer, and the criticism is complete. Compared with the other writers of that period when every distinguished man did more or less political writing, it is a simple matter to fix Hamilton's position. He was easily first. Not only have his writings alone survived for the general reader out of the wilderness of essays and pamphlets of the last century on similar subjects, but the "Federalist" has become a text-book in America and an authority in Europe. Hamilton, the writer, will, however, bear a severer test, — that of abstract merit. His writings deal exclusively with the great questions of that day, and have lost their living interest. Yet as specimens of political literature, as disquisitions on constitutions and the art of government, and as masterpieces of reasoning, they are not only the best this country has produced, but they will take high rank among the best efforts of England. One quality which raised Hamilton in this regard beyond his contemporaries was his freedom from the didactic tone which so mars the writings of the latter half of the last century. Hamilton's style was simple, nervous, and modern in feeling, and any one who has tried to condense one of his arguments will appreciate the statement that the thought is compressed to the last point consistent with clearness. Yet forcible and convincing as all Hamilton's essays are, pure as is the style and vigorous and rapid as is the flow of thought, they are hard reading. Admiring them as models and as great intellectual efforts, one is forced to confess them dry to the last degree. This, of course, is in great measure due to the subjects treated, but it was also partly owing to Hamilton's character. Judged solely by his letters, his speeches, his essays, etc., Hamilton appears to have been almost entirely destitute of imagination and of humor. One looks in vain in all he wrote or said for a fancy, a simile, a metaphor, or a touch of fun. That most human and attractive of all senses, the sense of the ridiculous, nowhere appears. Throughout, abounds the purest, the most eloquent reasoning, which, when enforced by the bodily presence, the piercing eye, and all the forces of that passionate nature, must have made the orator irresistible. But when we

sit down to read his works unmoved by his personal influence, we are convinced, we admire more and more deeply, but we are never amused or absorbed. Still, in this field, neither imagination nor humor, however agreeable, are essentials, and Hamilton has certainly won in his own domain a reputation as a writer unsurpassed by any of his countrymen.

And so the list of his high titles to distinction concludes. The great question of all is still to be answered: What of Hamilton as a man? He has been charged with being a monarchist in principle and a believer in a monarchy bottomed on corruption; with being more British than American at heart; with being a corruptionist and the proprietor of a corrupt legislative squadron; and with having acted towards the Adams wing of his own party with continued bad faith, and with a design of personal aggrandizement. To enter upon a proof of his intellectual greatness would be sheer waste of words, and therefore to weigh the charges of his enemies which affect his moral greatness is alone necessary.

A great mistake has, we think, been made by the defenders and eulogists of Hamilton in dealing with the first of these charges. He was a believer, theoretically, in the English form of government, and considered it the best, at that time, ever invented. It should be remembered that the "best government the world has ever seen" did not then exist, and there can be no question that the English government was the best model, and the only one from which an Anglo-Saxon race could derive wholesome lessons. So far Hamilton was a monarchist. That he ever seriously believed it desirable or possible to establish a monarchy, and one "bottomed on corruption," in the United States, it is preposterous to suppose. There is absolutely no evidence except the highly veracious gossip of Jefferson, that he ever thought so, and such a theory would, moreover, have stamped him as a political idiot, which he certainly was not. On the other hand, he certainly was not an ardent republican. He believed a republican government to be radically defective. Morris says: —

"General Hamilton hated republican government, because he confounded it with democratical government; and he detested the latter, because he believed it must end in despotism, and be, in the mean

time, destructive to public morality. He believed that our administration would be enfeebled progressively at every new election, and become at last contemptible. He apprehended that the minions of faction would sell themselves and their country, as soon as foreign powers should think it worth while to make the purchase. In short, his study of ancient history impressed on his mind a conviction that democracy, ending in tyranny, is, while it lasts, a cruel and oppressive domination.

". . . . His observation and good sense demonstrated that the materials for an aristocracy do not exist in America; . . . . moreover the extent of the United States led him to fear a defect of national sentiment.

"He heartily assented, nevertheless, to the Constitution, because he considered it as a band which might hold us together for some time, and he knew that national sentiment is the offspring of national existence. He trusted, moreover, that in the chances and changes of time, we should be involved in some war, which might strengthen our union and nerve the executive. He was not, as some have supposed, so blind as not to see that the President could purchase power, and shelter himself from responsibility, by sacrificing the rights and duties of his office at the shrine of influence. But he was too proud, and, let me add, too virtuous, to recommend or tolerate measures eventually fatal to liberty and honor. It was not, then, because he thought the executive magistrate too feeble to carry on the business of the state, that he wished him to possess more authority, but because he thought there was not sufficient power to carry on the business honestly. *He apprehended a corrupt understanding between the executive and a dominating party in the legislature, which would destroy the President's responsibility; and he was not to be taught, what every one knows, that where responsibility ends, fraud, injustice, tyranny, and treachery begin.*

"General Hamilton was of that kind of men who may most safely be trusted, for he was more covetous of glory than of wealth or power. But he was, of all men, the most indiscreet. He knew that a limited monarchy, even if established, could not preserve itself in this country. He knew, also, that it could not be established, because there is not the regular gradation of ranks among our citizens, which is essential to that species of government. And he very well knew that no monarchy whatever could be established but by the mob.

"But although General Hamilton knew these things from the study of history, and perceived them by the intuition of genius, he never failed on every occasion to advocate the excellence of, and avow his attachment to, monarchical government. By this course he not

only cut himself off from all chance of rising into office, but singularly promoted the views of his opponents, who, with a fondness for wealth and power, which he had not, affected a love for the people, which he had and they had not. Thus meaning very well, he acted very ill, and approached the evils he apprehended by his very solicitude to keep them at a distance." *

This account has been given at length, because it conveys the best idea of Hamilton to be found anywhere. The writer's powers of discernment have enabled him in a few vivid sentences to give us a picture of Hamilton's genius as well as of his errors of judgment. From this it may be seen how far he was from believing in a monarchy in this country; how he sought, above all things, an honest and honorable government. Hamilton wished a strong constitutional government, the only safeguard for rational, popular liberty. He was not prepared to urge any special scheme, but he was eager for a strong government and the creation of a powerful national sentiment. The lines above printed in italics we may well take home to ourselves in the struggles of to-day as a wholesome lesson and a proof of Hamilton's foresight. No less does this quotation show in the strongest light Hamilton's errors, the headstrong indiscretion, and the pertinacity of his opinions as instanced by his belief in the strengthening effects of war, which drove him into opposition to Adams's peace-commission.

Hamilton never believed in the Constitution. He considered it defective, and urged an executive and senate during good behavior, and the appointment of State governors by the central government. There is no finer trait in Hamilton's character than the unswerving fidelity with which he strove to preserve and strengthen a Constitution which he believed to be thoroughly insufficient. Nothing shows more strongly the nobleness which rises above all personal feelings by honest devotion to the best interests of the people. Hamilton also considered the great danger to the national life to reside in the State governments, and on this ground he urged the appointment of governors, and favored a division of the large States. A century's experience has shown the justice of these fears. The dangers to national existence, the peril of disunion, Ham-

* Sparks's Life of G. Morris, Vol. III. p. 260.

ilton's especial dread, have arisen since his time from various causes, the most dangerous of which was of course slavery; but all these causes have found their support in the pernicious extremes of States' rights resting on the strength of the State governments. Whether Hamilton's suggestions would have obviated these dangers, or whether they would, by going too far the other way, have created new ones, must be matter merely for speculation. While convinced of the soundness of his views, Hamilton was too keen an observer not to see the value of the innate Anglo-Saxon principle of local self-government, and that States' rights, founded on a law of nature, local attachments, were, in the absence of an aristocracy, the only sure barrier against extreme democracy and its inevitable concomitant, despotism. In the New York Convention he elaborately explained that he merely wished to so confine the State governments that they could not impede the national one. After his usual manner, he then formulated the whole theory of States' rights by saying that "destruction of the States must be at once a political suicide," and that, "the States can never lose their power till the whole people of America are robbed of their liberties."* No man understood the true nature of the Constitution or the true system for the country better than Hamilton. He described it as a system in which "the great desiderata are a free representation and mutual checks."† He believed the only possible form of government, then, was a Republic, and he was better than a republican in theory, and a democrat in practice; he was a monarchist in theory, and a republican in practice, the devoted friend of the best good of his country.

Hamilton's incautiously expressed preferences for a monarchical form as in theory the best state afforded ample ground to his enemies to brand him as "British Hamilton." No charge was ever more baseless or absurd. He observed the strictest neutrality towards all nations. To prove this it is sufficient to trace his course in 1782 on the secret article, to read his arguments on the questions which arose with England during Washington's first term. Long before the nominal author had thought of it, Hamilton had formulated the Monroe doctrine.

* Hamilton's Works, Vol. II. pp. 459 and 461. † Ibid., Vol. II. p. 453.

On the Democrats alone rests the heavy responsibility of importing foreign affairs into our politics. Because Hamilton would not aid in plunging the country into war with England on behalf of France, because he considered the French Revolution infamous in its course, because he believed in adopting the same policy towards the English as towards the French, Jefferson and his Jacobin following stigmatized him as a British sympathizer and adherent.

Neither was Hamilton a believer or practitioner of corruption. His personal integrity was above reproach, and his letter to Lee * shows how delicately he conceived his duties in office. There is not a shadow of proof that he ever used his power corruptly, or corrupted anybody, except when he bought a few Democratic votes by agreeing to support the plan for a Southern capital. The corrupt legislative squadron was one of the many fancies of Jefferson's fertile brain. Men there undoubtedly were in Congress who held United States certificates, and as undoubtedly these men were benefited by the Treasury measures; and if this is sufficient to make Hamilton a corruptionist, then he was one.

The more serious charge of acting in bad faith is unfortunately true in two instances. When Hamilton published his attack on Adams, he used the private Cabinet information of the Secretaries to sustain his accusation, and in so doing was, in our opinion, guilty of bad faith. The second instance was the proposal to Jay to change the electoral law by an arbitrary exercise of power. He committed both faults when he had lost all self-control, was wild with passion against Adams, and maddened by the disasters awaiting his party. This does not excuse Hamilton, but it shows the cause of the two dark errors of his public life. The other charge of the Adams faction, that he sought empire and personal aggrandizement, seems to us perfectly baseless. Hamilton loved glory, but only when obtained by serving his country; and his opposition to the peace policy was due solely to his obstinate belief that a war would be efficacious in strengthening the government and in assuring success to his party. He made a mistake in political judgment, but he sought no unworthy or selfish object.

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* Hamilton's Works, Vol. V. p. 446.

Mr. Morse has given us no picture of Hamilton personally and in private life, because no materials exist. But his brilliancy in conversation and his personal fascination must have been extreme. Adored by his own family, beloved by his personal friends, he was also unhesitatingly followed by the leading men of his party. His adherents were not sentimental admirers: they were cool, hard-headed, practical, able men, and their unquestioning devotion to Hamilton, and acknowledgment of his supremacy, are the strongest proof of his commanding power.

Hamilton's passions were his bane, and we have tried to show that it was owing to their vehemence that in moral strength he fell far short of his intellectual greatness. Uncurbed passion has left a stain upon his private character, and in a similar way uncurbed passion caused his political errors, and made him a principal in the ruin of his party. The moral sense was not always strong enough to rise over and restrain the passions, and was, therefore, dulled, and the greatness on one side diminished.

We have tried to deal with Hamilton's various careers, with the different sides of his nature, and to judge him fairly and impartially, bearing in mind that great genius and splendid abilities demand severer tests than the ordinary talents of mankind. But posterity will judge Hamilton as a whole. The future historian will analyze and dissect, but the final tribunal will pass sentence on the whole man, moral and intellectual, statesman and financier, jurist and soldier, orator and writer, all combined. What will that sentence be? It is always dangerous to anticipate posterity's verdict. But we may safely assume that posterity will not accept the opinion of his enemies; that it will not agree with Jefferson or Adams. Will it then accept the judgment of Hamilton's strongest friends? Probably not. Will it accept the judgment of Washington? The people of the United States have been wont to reverence and abide by the decisions of their great Chief Justice. Will they accept the decision of John Marshall, "that Hamilton was the greatest man the country has ever seen, always excepting Washington"?

Henry Cabot Lodge.

Art. VI. — CRITICAL NOTICES.

1. — *L'Histoire de France depuis les temps les plus reculés jusqu'en 1789, racontée à mes petits enfants.* Par M. Guizot. *Avec des gravures dessinées sur bois.* Par Alphonse de Neuville. 4 vols. Paris: Hachette et Cie. 1875.

The most contradictory judgments have been, and are likely to be, expressed on M. Guizot in the triple point of view of orator, statesman, and historian. Like all men who are endowed by nature with a strong individuality, he has had enthusiastic admirers and passionate detractors. Indeed, only natures of little elevation could pass through a life of activity such as his, without rousing great sympathies or profound antipathies. This notice, however, has to deal, not with the orator or statesman, but only with the historian, to whom is unanimously conceded the possession of qualities so high as to constitute genius.

One cannot but feel a sense of deep respect before the life of this man who, when he could no longer serve his country directly by his voice, his acts, or his labor, yet rendered himself indirectly useful to her even when devoting himself to the education of his grandchildren. Not merely for their eyes, but for those of many generations of youthful Frenchmen, has M. Guizot set for himself the task of unrolling the picture of the glories and the shames, the joys and the sadness, of his country. His strong and commanding nature, incapable of repose, and unable longer to impose its commands on men or to enter into public strife against them, stoops down to the little children, takes them by the hand, and leads them by paths, along which he loves to linger, to heights from which, as in a panorama, the wide horizon of history is displayed. What is now presented to the public is the fruit of those domestic evenings when M. Guizot dictated, his daughter took notes, his grandchildren listened and learned. The editors, moreover, have neglected nothing which could render the work as attractive as possible; well printed to begin with, it is further enriched with numerous woodcuts executed by a very able artist, M. de Neuville; and, in order to bring the work within the reach of the greatest possible circle of readers, it has been published in numbers. Its success has therefore been proportional to the pains of the editors.

One cannot but be grateful to M. Guizot for having multiplied quotations in his work. Besides invigorating the story with draughts

drawn from sources always fresh and sparkling, they have the advantage of presenting history in the form which is most attractive to young imaginations. While his prodigious memory brought them without an effort to his lips, the knowledge of men and things which he owed to his long political career enabled him to sum up with a few concise phrases, or in a few well-selected words, the bearing of any event or the character of any individual.

The first volume, which opens by a description of Gaul, of the origin of modern France, and of her first vicissitudes, carries the reader to the death of Philip the Fair, that is to say, to the moment when royalty was really established as a strong and recognized power. Great interest attaches to the story of the Norman conquest of England as well as to that of the Crusades. Comparing the conquest of Roman Gaul by the barbarians with the conquest of England by William and his companions, M. Guizot shows how profoundly different the results could not but be for the future of England and of France: "Among the barbarians, society was hardly beginning; among the subjects of the Roman Empire, it no longer existed; the attempt of Charlemagne to reconstruct it by rallying the conquerors and the conquered under a new empire, failed. Feudal anarchy was the first step and the necessary step out of the anarchy of barbarism towards a new social order. In England, immediately after the conquest, two general forces stand face to face; those of the two peoples. The Anglo-Saxons attach themselves to their ancient institutions, a mixture of feudalism and liberty, which become their guaranty. The Norman army organizes itself on English soil according to the feudal system, which was its own in Normandy. Thus a principle of authority and a principle of resistance exist from the beginning in society and in government." The picture which follows presents the internal history of England in epitome, and is strikingly effective. At last "the struggle attained its end; the constitutional monarchy was founded; by the triumph of their language and of their primitive liberties, the English have conquered their conquerors. It is in her history, and more especially in her history during the eleventh century, that England found her starting-point and her first elements of success in the long labor she endured in order to attain, in 1688, a free government, and in our own day a liberal government." Very different have been the political destinies of France for the reason that she has not found in her primitive elements the condition and the means of that political *régime* to which she has never ceased to aspire. M. Guizot thinks that that country, in order to obtain those blessings which every human society must aim at possessing, ought to have

constantly sought assistance from the royal authority and from that *almost* absolute monarchy which did not satisfy it even then, when it was indispensable, and when it was, as in the age of Louis XIV., glorified with an enthusiasm rather literary than political. The following reflection shows the penetration of the historian's insight: "It was rather by the refinement than by the depth of development in its civilization, and by the ardor of its intellectual movement, that France was at last launched not merely into the political *régime* which she aspired to, but into the immense ambition of unlimited revolution which she created, and with which she inoculated all Europe." Obviously this reflection involves an indefinite series of possible inferences, and may be made to serve as explanation for many things and many phenomena in the politics and society of France.

The second volume begins with the subject of the Communes and the Tiers-état. The former, embracing within their domain the interests and local rights of populations closely grouped together on a territory of limited size, preserve their municipal character during the period of their existence, that is to say, from the eleventh to the fourteenth century; they do not survive the Middle Ages. On the threshold of modern times we meet the Tiers-état, whose rôle and whose faults are well sketched. The figure of Etienne Marcel, who, like the Flemish burgher, Jacques Artevelde, thirteen years before, was to pay with his life for the serious faults entailed by his impossible rôle, stands out in vigorous relief on the canvas of the story. In fact, the hundred years' war occupies almost the whole of this volume to the exclusion of all else; on the side of France a lamentable spectacle of faults and disasters caused by the incurable disease of forces run to waste, without order, discipline, or head; on the part of England an exhibition of force not only compact but well-commanded and obedient. To Jeanne d'Arc M. Guizot devotes a few pages, which give the result of the latest investigations on the subject of the heroine. The figure of Louis XI. could not fail to arrest the attention of the historian, or rather of the statesman; a figure remarkable for its complexities, but marked also, in spite of its weaknesses, its sincere or affected superstitions, its frequent moral shortcomings, by intellectual qualities of the first order. The three great services he rendered to France, the traces and influence of which still exist, are carefully studied. With the end of the second volume we arrive at the foolish Italian expeditions. The third unfolds the whole sixteenth century, from the accession of Francis I. to the death of the last Valois. This century was filled with religious quarrels, and great credit is due to M. Guizot for the impartiality with which he has related them.

He is grateful to Calvin for having established the distinction between religious and lay society in the name of religion itself; he extols the heroism of the first Protestant martyrs; but he none the less perceives the faults of both parties: "In either camp prevailed enormous errors, prolific in disastrous consequences. Catholics and Protestants believed themselves in exclusive possession of truth, of all religious truth, and of the right to impose it by force on their adversaries from the moment that they had the power. Both parties were strangers to respect for human conscience, for human thought, for human liberty. Those who claimed it on their own account, when they were weak, never thought of it again in connection with others when they felt themselves strong." He shows by examples that the religious massacres were begun by popular hands rather than by royal will, and that in both parties the opinion gained credit little by little that assassination was permitted for the good cause. In the midst of the massacres to which religion was thus made to serve as the pretext, the first signs of religious liberty, founded by the Edict of Nantes, began to make themselves perceptible. Political liberty also drew its profit from the public misfortunes. M. Guizot relates with evident satisfaction the great reign of Henry IV. He is charmed with that clear, straightforward common-sense, that practical wit which fights and negotiates at once, which consents to pay for what already belongs to it rather than be compelled to conquer it, which yields to public opinion instead of obstinately resisting it, and which makes for the public peace the gravest of all sacrifices,—that of its faith. The author applauds him for all these concessions, even for having become a Roman Catholic: "I could not venture to measure precisely what part ambition, personal interest, royal egoism, may have had in the religious abjuration of Henry IV.; I do not pretend to deny the presence of these human infirmities, but I remain convinced that patriotism had the largest share in it, and that the feeling of his duty as king, towards France, victim as she was to all the evils of domestic and foreign war, was the motive that determined his resolution." Sully, Protestant as he was, advised Henry to take this step, believing, as he said, that it was the only way by which he could hold tranquil possession of this great, rich, and populous kingdom, and put himself in a position to make great and loyal alliances abroad. It cannot be denied that the politician was right. From the time of his reconciliation with the church he received the service he desired; France, ruined, exhausted by numberless factions under Henry III., at the close of the reign of Henry IV. was rich, united, reconciled with herself, feared by her enemies, and, as has happened only too often in

the course of her history, she was already, on the morrow of her disasters, dreaming of new schemes of ambition.

M. Guizot finds himself in his natural element whenever he has to make the portrait of a statesman. That of Richelieu is well done. The reign of Louis XIV. is well told, and the fourth volume closes with these sombre words: "In spite of his faults, and numerous and culpable errors, Louis XIV. had lived and died a king; the slow and sore agony of the old France was about to begin."

Through all the failures and failings of his country, M. Guizot never loses confidence. He brings an idea expressed by him in 1823, in his "Essais sur l'Histoire comparée de la France et de l'Angleterre," into comparison with the impressions caused on his mind by the disasters of 1870. "Before our Revolution," said he, forty years ago, "the difference between the political fate of France and that of England might well sadden a Frenchman; now, in spite of the evils we have suffered, in spite of those we may yet have to suffer, we have no occasion for such regrets. The progress of social equality, and the enlightenment of civilization, have in France preceded political liberty, but on that account political liberty will be only more general and more pure." Then: "In 1870, after the experiences, and in spite of the sorrows of my long life, I am still confident of the future of our country." This is not the place for a close inquiry into the motives of that confidence. The opinion of a man of M. Guizot's weight cannot but be encouraging, and ought to be received with great respect.

And now that we have paid to M. Guizot's book the tribute of praise which is due to it, and have fairly testified the admiration and respect to which so green and laborious an old age gives rise, we may be excused for taking the liberty to make some reservations in regard to the value of the "Histoire de France."

In the first place this work does not address itself to young children; they would be quite unable to understand it. The thoughts are often too abstract. To convince one's self of this, one need only turn to the passages examined in this notice itself. But for grown people, who have got their education, and still more for those who have at all occupied themselves with the study of history as a specialty, this work is in a number of places quite insufficient. The reader will search in vain for the history and progress of judicial institutions, of royal administration, of the Parliament, of the finances, of the army; he will find nothing on the manners, the customs, the physiognomy of any given epoch. Every one knows how much importance the study of the interior life of every people has assumed; yet M. Guizot has confined himself wholly or almost so to the story

of wars and of treaties of peace and alliance. One can see easily enough that such and such provinces have been annexed by means of violence or of political address in such and such reigns; but it does not appear what became of these provinces when once annexed, nor what capital was contributed by them to the national stock. The arrangement of material is not altogether satisfactory; in fact, each reign presents five or six independent divisions; the chronological order is not followed, and so the divisions are often incomplete because the point of view is often an isolated one. So, for example, under Louis XIV., the revocation of the Edict of Nantes and the war of 1688 cannot be understood separately.

There is another gap to be regretted. The artistic movement of France, so considerable as compared with that of most other European nations, especially in the Moyen Age, and at the Renaissance, is barely indicated. During the last fifty years, numerous works, some of which are excellent, have thrown great light on this side of the national life. It is also to be regretted that M. Guizot has not made use of some of these recent works in order to sketch in a general way the formation of the French language. Further, it is probable that the treatment of the Reformation will be thought far from strong. The author should have taken more account of what he calls in his Preface the natural causes which preside over the general course of events: "Men do not make the whole of history; history has laws which own a higher origin; but men exist in history, active and free beings who produce results and exercise an influence upon it for which they are responsible. Causes which are fated and causes which are free, the laws of events which are determined, and the acts of human liberty which are spontaneous, — herein lies the whole of history." This is perfect, but in reading the history one takes part only in these spontaneous acts of human liberty.

Finally, M. Guizot has experienced the lot of most men as they grow old; their opinions are no longer capable of modification; their intellectual seat is fixed. In the course of this work a great quantity of historical details may be found, the incorrectness of which has been proved within more or less recent times. Ethnographical studies have made some progress in these later days, but it does not appear that their recent acquisitions were known to the author; at least, if one may judge from the first chapter of the history in regard to the Cimmerians. Pharamond still figures among the Frankish kings. The chapter entitled "Charlemagne and his Government" is very far from exact. A scholar of the rank of M. Guizot ought, one might think, to entertain some natural distrust of ready-made phrases in the

mouths of historical characters, but here we meet again with the "Who made you Count?" and the proud answer, "Who made you King?" of Hugh Capet and the Count Adalbert de Perigord; a story which has absolutely no historical foundation, any more than the words of the Pope's legate a little further on. The marriage of Rollo and of Gisela, daughter of Charles the Simple, is anything but certain. What is said in regard to the act known as the pragmatic sanction is not altogether clear. The story of the Fronde also gives occasion for some criticism; the executions which took place at Paris on the 4th of July, 1652, after the combat of the Porte Saint Antoine, and in which more than thirty notable Bourgeois were massacred, show that a considerable portion of responsibility should rest on the Prince de Condé. And finally, the portrait, physical and moral, of Louis XIV., should be modified by a number of traits which are furnished by the memoirs of the time.

These simple observations are sufficient for a work which is intended for the eyes of the young. The drawbacks mentioned do not at all interfere with the special merit of the work which is above all else to be popular; and to write successfully this kind of book is much more difficult than is commonly supposed. True, it teaches nothing, or next to nothing, to those who are acquainted with the subject; but on the other hand it is well fitted to accomplish its author's purpose, of rousing in the young a taste for the great and beautiful science of history, while it forms their minds and elevates their hearts.

M. T.

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2. — *Ansiedelungen und Wanderungen deutscher Stämme. Zumeist nach Hessischen Ortsnamen.* Von Wilhelm Arnold, Ord. Prof. der Rechte zu Marburg. Marburg: N. G. Elwerts'che Verlagsbuchhandlung. 1875. 8vo. pp. xiv and 694.

It would seem as if, since the labors of Waitz, Roth, and Sohm, little remained to be done in the way of elucidating the formal and official origin of Feudalism, in its connection respectively with the systems of Benefices and of Commendation. But there is another side of the institution, which has certainly not yet received adequate light; and most of us probably feel with Sir Henry Maine, when, in the "Early History of Institutions" (p. 155), he reiterates his former assertion ("Village Communities," p. 132), that this theory "does not tell us how the Benefices came to have so extraordinary a historical fortune." The solution of the problem he thinks may be found in the fortunes of the primitive institution of the Mark, and its

development into the Manor. Professor Nasse, to be sure, "Contemporary Review" (May, 1872), answers that "the two inquiries should be kept carefully distinct," with the view, of course, of guarding against the exaggerations of the school of Von Maurer. There seems to us, however, no doubt that Sir Henry Maine's process, if followed with caution, will lead to valuable results.

We have spoken of the "other side" of the institution, distinct from its formal and official one. This is in the social and economic structure of society, the relation of Feudalism to the peasantry and other industrial classes. The organization has been thoroughly, and perhaps exhaustively studied by Von Maurer, Nasse, Thudichum, and others; but its connection with the feudal system is still obscure and perplexing.

Nothing is more fundamental in the structure of mediæval society than the broad and almost impassable gulf which separates the feudal classes, properly so called, from the industrial classes, — the *roturiers*, as the French has it; the English language has no single word to describe this class, and indeed it was the peculiar glory and good fortune of the English development, that the gulf was here made far narrower and was more easily crossed than in the countries of the Continent. Nothing shows more clearly the unsettled nature of the relation between these classes, than the inconsistency of the leading writers as to whether agricultural tenures of land should be classed as feudal or not. Certainly they are feudal so far as the form goes; for at an age when the form of the fief was applied to everything, — to offices, to revenues, to perquisites, and to easements, — it would be impossible to deny that base tenures of land received the same form, and were subjected to a part at least of the same incidents. On the other hand, they were as certainly not feudal in their character and spirit. This is clearly enough illustrated in the relation of the classes to one another; since the recent investigations which have shown the independent and democratic origin of the agricultural communities, the distinction has been all the more clear.

Nevertheless, it must be admitted that the social distinction does not precisely coincide with the political. Socially, it may be laid down without exception, that military tenures and their substitutes (as sergeanty, frankalmoign, etc.) are on one side of the dividing line; all who hold by these, and only these, are "gentlemen." Politically, however, the manor is the feudal unit; and a manor might reckon among its free tenants those that held by knight's service as well as by socage. The development and the organization of the manor are therefore questions of great importance in the study of Feudalism; a

subject which Sir Henry Maine and Professor Nasse have cleared up, perhaps, as far as is possible at the present day.

In respect to the origin of feudal tenures of land, it is customary to say that they arose in one of three ways, — first, in deliberate grants; second, in the "usurpation of provincial governors"; third, in the "change of allodial into feudal tenures." It is the third of these which has received most light from the investigations of which we have just spoken; at the same time it is here that there yet remains most to be done. Mr. Hallam speaks of the "insulated alodialist," and their case is of course tolerably simple. Sir Henry Maine's "Village Communities" contained, however, if we are not mistaken, the first statement in English of the true character of this conversion of allodial into feudal tenure, when it was accomplished on any considerable scale. Insulated alodialists are of very little importance in this inquiry, as compared with the organic groups of agriculturists, which represented the primitive democracy, but were now incorporated into the feudal state. In England this incorporation became universal; in Germany a very considerable proportion of such communities remained independent of the feudal organization.

It is in regard to this most obscure aspect of the most obscure portion of modern history, that Professor Arnold's book is of importance. He has undertaken to trace out, by a study of Hessian local names (the locality, by the way, to which Thudichum confined his researches), the history of the migrations, settlements, and industrial history (for he gives us more than is promised in the term *Ansiedelungen*) of this portion of Germany. The importance of this territory in an historical point of view, and its fitness for his purposes, are seen in the fact that the modern Hessians still occupy the territory of their ancestors, the Chatti, and that this central region of Germany was the original *Frankenland* east of the Rhine, — the centre from which political conquest and Christian civilization were extended to the Bavarians, Allemanians, Thuringians, and Saxons.

The book is published in two instalments (without any change in paging); and consists of nine chapters, of which the first instalment contains three, besides an Introduction, describing the method of investigation, and the sources, in documents, maps, etc. These three chapters are mainly devoted to the migrations, the chief historical results being as to the relations between Franks and Allemanians. An illustration at once of the method and the results of this inquiry is found in the statement that names in *bach*, *dorf*, *hausen*, and *heim* are Frankish, and those in *weiler*, *wyl*, *hofen*, *ingen*, and *ach*, Allemanian. (We have seen some of these points questioned, but without

any detraction from the general accuracy of his results.) A rule which, as he claims, is fully supported by facts, is that the oldest names "are regularly borrowed from the simplest physical observations. They have reference to local position, the nature of the soil, the plants, trees, or animals which existed in the very place of settlement. Then come the names which are borrowed from mythological relations, human attributes, the use of the soil, and possession; those derived from personal names are the latest, because they assume cultivation of the soil, and fixed property." (p. 238.)

In Professor Arnold's view the regular cultivation of the soil hardly began in Germany before the migrations. He makes two periods of its development (*Ansban*), the first from the sixth to the eighth century, the second (*die letzten grossen Rodungen*), from the ninth to the twelfth. The division is a real one, inasmuch as the conversion of the Hessians was not effected till the eighth century, and feudalization set in at about the same time; so that the clearings of the second period were made chiefly by monasteries and feudal laws. These clearings were for the most part suspended in the twelfth century, as the cleared lands were found to be encroaching too fast upon the forest (p. 270); in Hesse, however, a very heavily wooded country at all times, they continued longer. An interesting analysis is given (p. 243) of the twofold authority from which these clearings proceeded; "from the very beginning dynastic and republican elements existed together in our constitution, and this opposition manifests itself also in local foundations (*Ortsgründungen*)." Of these new settlements, even in the earlier period, the great majority are ascribed to the lords of land; their foundations were generally upon a considerable scale, comprising whole communities, villages organized after the model of the original free ones, while the simple freeman merely cleared for himself a small patch of land. It is the oldest place in Hesse which contains free communities; the later settlements are generally in the possession of lords. They are distinguished, he adds (p. 437), by the title of the presiding officer, — *Grebe* in the free, *Schultze* in the dependent communities.

Before the migrations, as we have remarked, he finds few traces of cultivation of land, none of the systematic cultivation which characterizes the later communities. He rejects utterly the view held by some (p. 527), that the "Three-field husbandry" existed in the time of Cæsar or Tacitus. Pasture-land led in importance in this epoch, as is illustrated by the numerous obsolete names for pasture, especially *Senne*, *Siesze*, and *Winne* (p. 530). Of our American style of clearing, by burning the lands, he finds numerous traces even as late

as the thirteenth century. A really intensive culture began in the third (Christian) period, especially with the Benedictine monasteries, and the commencement of cities, which gave a market for produce. The relation of the monasteries to society in the twelfth and thirteenth centuries is the subject of a very interesting discussion (p. 553). They were, he says, founded directly for purposes of speculation; "were, in fact, in part nothing but great clearing-institutions (*Rodeanstalten*)," through which the lower nobles and knights were materially injured, while the great nobles were enhanced in power. For the greater nobles retained in their own hands the administration (*Vogtei*) of the ecclesiastical estates, and thus, through the new lands brought into cultivation, recompensed themselves for whatever donations they had made to them. To the peasantry, on the other hand, the operation was advantageous, through the demand thus made for their services; to this he ascribes the first steps to their freedom from serfdom (p. 576).

The closing pages of the eighth chapter (*Die Fortschritte des Anbans*) treat of the agricultural history of the abolition of Feudalism. This subject does not come strictly within the scope of the work; it is, nevertheless, a most acceptable contribution to an obscure subject. The several changes in the terms of tenure, as a more scientific cultivation was introduced, and the condition of the peasantry improved, are traced out with care: "the entire relation of tenure (*Leiheverhältniss*) grows legally and economically away from the forms of manorial law (*Hofrecht*) and assumes the nature of contract" (p. 580). Tenures at the lord's pleasure became rarer: the *Landsiedelleihe* (for a term of years, it would seem), *Leihe zu Mergelrecht* (on condition of improving), and at last hereditary leases came in. This sketch brings us down to the fourteenth and fifteenth centuries.

Mr. Carey's argument against Ricardo's Law of Rent fails to find support from Professor Arnold's investigations: "Geographically, we find the oldest places regularly in the open and fruitful river valleys, while the cultivation in the second and third periods rises into the less favorable side valleys, on the mountains and into the forests. One might — special exceptions of course being disregarded — draw up a formal map of levels (*Niveankarte*), and in accordance with it assign the places of the three historical periods also to three distinct levels." (p. 492.)

A great part of the book is occupied with nothing but classified lists of names; but even here some interesting and instructive observation is generally made in connection with the several terminations. The book abounds in such remarks as the following, in illustration of

the keenness of the senses of the primitive Germans: "We have a *Beise*, *Pfieffe*, *Geis*, *Josse*, *Orke*, *Gude*, *Dispe*, etc., according as the sound [of a stream] was more a rushing, whistling, seething, hissing, roaring, foaming, or humming." But now, he says, it is nothing but *Klingen*, — just as every pond in New England is now christened "Crystal Lake" or "Silver Lake."

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3. — *Grandes Figures Historiques.* Par Auguste Laugel. Paris: Michel Lévy Frères. New York: G. P. Putnam's Sons.

M. Laugel's latest work gives fresh evidence of his qualifications for playing the difficult and too often thankless part of international literary medium. The author who devotes himself to fostering literary intercourse, spiritual contact, so to speak, between his nation and its neighbors, cannot look for such general and immediate recognition as usually rewards his more stay-at-home brother. Yet in these days, when national thought and culture are gradually wearing away their distinctive features, and assuming the character of *Weltliteratur*, as Goethe has observed, it behooves the critic to give careful heed to the labors of men like Laugel, who are attracting their nation little by little into new channels. The time was when France was cosmopolitan in the sense that its great writers made Continental Europe tributary by imposing their own standard and modes of thinking; the time seems to be at hand when France is to become cosmopolitan in another, and, to our mind, higher sense, by abdicating its assumed supremacy and going abroad as a diligent scholar who seeks to learn exactly how and why other people feel and act as they do.

In this talent for expatriation, M. Laugel is among the foremost. Indeed, it would not be easy to name another of his countrymen who surpasses him in the ability to write from a foreign point of view, to catch the spirit of foreign institutions or character, and impart it in a manner that is at once French and not French, — French in its cast of style, not French in the fresh life that it brings from over the border.

The reader has had the opportunity of studying M. Laugel's "England, Social and Political," an English translation of which was published by the Putnams last year. Whatever minor defects that book may betray, it has unquestionably one quality of rare value; it is the overflowing of a mind thoroughly *en rapport* with a theme of bewildering variety and magnitude. One feels, in reading it, that the au-

thor has really experienced for himself all that he utters; one perceives not only the outward institutions of England, but the very movement of the forces that make its national life. We are not blind admirers of M. Laugel's style. It strains too much after effect, it is too antithetical and epigrammatic. As Karl Hillebrand has justly observed, it is not French of the good old school. Yet it is uncommonly vivid, incisive, and pithy; it reveals great aptitude in condensation and suggestion.

The present volume differs from the "England," both in form and in composition. The style is much toned down, presenting few, perhaps no passages that will compare with many in the "England" for brilliancy. Furthermore, it is not a continuous essay, but a collection of detached pieces on John of Barneveldt and Maurice of Nassau, Sylvain van de Weyer, John Stuart Mill, Josiah Quincy, and Charles Sumner. The sketch of Barneveldt and Maurice, their quarrel, and its tragic issue, is based avowedly upon Mr. Motley's history, although matter is introduced here and there from other sources. It has the merit of presenting the case in a very readable shape, and of doing a trifle more justice to Maurice than Mr. Motley has done. Without attempting to palliate Maurice's brutality, M. Laugel shows how his conduct was the result of foreign complications, the frantic movement of the nation itself following unconsciously its destiny, rather than the gratification of mere personal hatred. The estimate of Mill's personality and influence is in the main a just one. Yet we doubt if Mill played or will play the important part in English affairs which M. Laugel is disposed to assign to him. The leaders of the materialistic school, Tyndal and Darwin, in their robustness of thought, and in the practical bent of their labors, are the antipodes of a speculative thinker and subtle dialectician like Mill; while, on the other hand, those whose faith and hopes are rooted in the past, and who hold that human nature and society are a growth and not a logical creation, will always be repelled by positivism in any shape. The radical defect in Mill's nature was a want of virile force. Even his personal weaknesses were feminine rather than masculine. This M. Laugel has divined, but without drawing therefrom the unavoidable conclusion, to wit, that a nature thus constituted is disqualified for leadership in social movements, in which the emotions and the will play the decisive part. The sketch of the life and labors of Josiah Quincy, the last of the Federalists, evinces the author's familiarity with American history and parties, and his ability to treat successfully a subject lying off the beaten track. There are one or two passages that we should like to correct, but for want of space must pass on to more important matters.

The essays fraught with most significance for us are those on Sylvain van de Weyer and Charles Sumner. Whether intended or not by the author, the two portraitures are in marked contrast. We view, on the one hand, an ardent, aggressive young pamphleteer and orator, we might almost say — despite M. Laugel's deprecation — a political agitator, who develops rapidly into a sober, perspicacious statesman, one of the mainstays of constitutional monarchy in Belgium, and passes away at a ripe old age as the beloved and admired ambassador at the tranquil Court of St. James. On the other hand, a sober-minded young lawyer and scholar, fit by nature for seclusion and research, abandoning his chosen studies, breaking with old friends and associations, entering the political arena in behalf of a righteous cause, triumphing indeed with that cause, but becoming more and more irritable and aggressive with each success, and dying rejected by the very party he had helped to create. Those who wish to study the formation of the existing constitutional monarchy in Belgium, how it came to be what it is, its trials, its tenure of existence, will find copious materials in Van de Weyer's life. We do not look upon Belgian independence as achieved beyond peradventure. The foreign complications are grave, and so also the domestic dissensions. In no other country, perhaps, is the dividing line between town and land, between enlightenment and religious serfdom, drawn so sharply. The so-called constitutionalism of the government is dangerously weak at many points, the administration is too sensitive to the oscillations of party elections. Yet, taken as it stands, the Belgian monarchy is an encouraging example of what may be accomplished by perseverance, tact, moderation, and timely concession. M. Laugel shows clearly and concisely how Van de Weyer co-operated towards the result, and we therefore commend his essay to all who are interested in the history of recent European politics.

The image of Charles Sumner is too fresh in the hearts of the American people to need comment from us. We have only to pass our opinion upon M. Laugel's treatment of his theme. We are free to say that among the countless orations, editorials, and articles that poured forth in a flood two years ago, we do not remember anything that has pleased us so much as the present essay. It is warm and manly in tone, graphic and comprehensive in statement. No one of Sumner's countrymen, — we regret to have to make the admission, — has treated him with such breadth of vision, or in such good taste. As depicted by M. Laugel, Sumner stands out not merely in his significance for America, but in his relations to the world at large. In addition to these merits of a general nature, the essay contains many

reminiscences of the author's personal intercourse with Sumner and other prominent men of the time. Much of the information thus conveyed is as novel as it is acceptable. We refer to Sumner's opinion (p. 343) concerning Everett's nomination as presidential elector in 1860; to Garrison's touching remarks (p. 347) concerning the inevitable dissolution of the Abolition Society, and his criticism of Seward's Auburn speech; to the author's conference (p. 351) with Seward, and the latter's views upon the Alabama affair, and our relations with Europe, and especially with France; and to the author's interview with Grant before Richmond (p. 357). M. Laugel's impressions of the literary circles of Boston and Cambridge (p. 349), and his strictures (p. 374) upon the nomination of Greeley instead of Adams, will be received with approbation, we are confident, by our readers.

While the essay is in general scrupulously exact, there are certain defects and errors which we deem it our duty to point out. In speaking of the Fugitive Slave Law (p. 328), the author calls it an attempt on the part of the slaveholders to make all the officials of the *confédération* their helpers in capturing runaways. We regard the word *confédération* as unfortunate. Perhaps from the French point of view it may be the proper term to apply to our national government, but it is too suggestive of the period from 1861 – 1865 to be acceptable to Americans. Besides, the paragraph conveys the truth only partially. The operation of the Slave Law was to place not only the officials of the United States, but also State officials, and even private citizens, at the beck and call of the slavehunters. Any one could be called upon to protect the marshals and police in case of interference or resistance. It was this last feature that provoked such an explosion of wrath, and made the law insupportable even for "Southern sympathizers." The author's account of the Missouri Compromise, and Douglas's Kansas-Nebraska Bill (p. 329), is unsatisfactory, not to say confusing. The American reader will be familiar with the dispute, but a Frenchman can scarcely gather from Laugel's meagre sentences facts enough for an opinion. Certainly he would not learn that the Compromise was effected in 1820, that Douglas's Bill was not passed until 1854, and that the repeal consequently broke up a status of peace that had existed for almost a quarter of a century. Nor would he learn the extreme pretension of the slaveholders, namely, that property in human beings was like every other kind of property, and therefore could not be prevented nor destroyed by act of Congress. Sumner's trenchant aphorism, "Freedom is national, slavery is sectional," which is cited with such approbation by Laugel, loses its point by this neglect to contrast it with the opposite

doctrine. We regard the term *congrès* (p. 327) as not applicable to the Legislature of Massachusetts. The account of the Brooks-Sumner affair (p. 330) is also unsatisfactory. On the one hand, in extenuation of Brooks's conduct, it might have been stated that Brooks declared it to be the satisfaction for Sumner's personal attack upon his uncle, Senator Butler. On the other hand, in aggravation of the offence, the French reader should have been informed that the assault was a trespass upon the Senate Chamber by a member of the lower House. M. Laugel says (p. 334), "He (Sumner) was ordered by his physicians to rest for several years. He was, nevertheless, re-elected at the expiration of his term; *soon afterwards* he resumed his place at Washington." Brooks's assault was perpetrated in 1856; Sumner was re-elected in 1857, but did not resume his seat until 1860. M. Laugel's phrase "soon afterwards," *peu après*, is therefore not only inaccurate, but it ignores one of the most noteworthy incidents in American history, namely, the "eloquent vacant chair" that bore witness for three years to Massachusetts' devotion to her disabled champion. It is stated (p. 336) that Sumner, in opposing Crittenden's compromise, "knew (*savait*) that every sacrifice would be useless, that the arsenals of the North had been stripped by the minister of war," etc. We doubt if Sumner or any of his party "knew" at that time what was going on at Norfolk and Brooklyn. Certainly none save the initiated had more than an inkling. In speaking of Sumner's death, the author says, "Four millions of blacks mourned for him whom they looked upon as their liberator; the bells of Charlestown tolled for one who had been so long detested in the Carolinas." Ordinarily slips of the pen or misprints can be passed over in a spirit of professional charity. But the present blunder robs the passage of its very meaning. However, it will be scarcely necessary to do more than call M. Laugel's attention to it, and remind him in a friendly way to disregard the advice given by Mr. Weller, senior, and *not* "to spell it with a wee."

We understand that the Messrs. Putnams have in view a translation of the present volume. Without attempting to anticipate their judgment, we take the liberty of suggesting that the translation be restricted to the essays on Van de Weyer and Sumner. We should be very glad to see these two made accessible to the public. For the others, the reader can be referred to the sources from which M. Laugel himself has drawn.

4. —*The Constitutional History of England, in its Origin and Development.* By WILLIAM STUBBS, M. A., Regius Professor of Modern History. Oxford: At the Clarendon Press. 1875. 8vo. pp. 624.

IN his second volume Professor Stubbs completes that portion of the constitutional history of England which is peculiarly his own. Others may be as well fitted to trace the later history of the constitution; perhaps it may be said that Mr. Hallem's masterpiece hardly requires even now to be supplemented; but it would have been a real calamity had Mr. Stubbs failed to put on record, in a systematic shape, the results of his studies upon the origin and early growth of the constitution. This book is henceforth a sure and indispensable starting-point for all studies and investigations.

The present volume, it must be confessed, is not so completely a work of love as the first. The author does not conceal his low estimate of the fourteenth century as compared with either the earlier or the later period; and, indeed, he does not find it hard to make good his indictment against it. It was, as he depicts it, a century of sham and self-seeking. Its interest to the student — in English history at least — is not so much in what it was, as in the seeds it contained of future development. The fermentation of the fourteenth century prepared the way for the religious revolution of the sixteenth, the constitutional revolution of the seventeenth, and the social revolution of the nineteenth century.

This lack of sympathy with what is most characteristic in the period explains whatever there is defective in the volume. We think it would be generally felt that justice is hardly done to what may be called the democratic elements of society, — not, we mean, in the judgments expressed, but in the fulness of the analysis. What is said of the municipal governments and the legal condition of the villain; of industry and jurisprudence, in their relation to government, is in every way good so far as it goes; but one feels that the view is not complete, and that even constitutional relations would be made more intelligible by a fuller treatment of social institutions.

After all, our objections lie against the limitations which Professor Stubbs proposed to himself, rather than to his treatment of his subject within these limitations. Turning to more purely constitutional questions, we find the same wealth of materials, clearness of view and thoroughness of treatment as in the first volume. We find here the full development of a principle laid down in the first volume

(p. 209), which may be said to form the corner-stone of the structure of constitutional history here erected, — that national unity in England was "not the centralization of powers, but the concentration of all organization." The fifteenth chapter, which describes the constitution under Edward I., may be called an expression and exemplification of this principle.

It is this principle that gives to the English constitution its peculiarly illogical character, joined with the highest efficiency in practice; it is made up of independent and disjointed elements, brought together without system, but always with a purpose. Nothing is more striking in this formative period of the constitution, than the impossibility, in so many cases, of determining theoretically where such and such an institution belongs. Did the bishops sit as barons or as *sapientes?* what line divides peerage by tenure from peerage by writ? by whom were the knights of the shire elected? — questions to which no positive answer can be found, and which are all summed up in the more general one, how and when the feudal court was transformed into an assembly of estates, and the assembly of estates again into a legislature of two chambers.

The history of the king's prerogative affords a most interesting example of this confusion of terms and ideas. "I know how to add 'sovereign' to the king's person," said Pym, but not to his power; and here no doubt he expressed a vital principle of the English constitution. The king of England was never sovereign; his prerogative was either derived from his feudal *suzerainty*, or was voluntarily conferred upon him by his subjects, as a wholesome element of government. Hence, in great part, the difference in the fate of royalty in England and France. When Philip Augustus and Philip the Fair entered upon their great struggle against feudalism, they found their best weapon in the doctrine of royal sovereignty, partly inherited from traditions of the early French empire, partly derived from the Roman law. The English kings had no such traditions; for even William the Conqueror chose to reign as a constitutional king. Neither could they stand upon the maxims of Roman law; for the English lawyers were imbued with the doctrines of English liberty, while those of France at this period were servile tools of royalty.

But if not sovereign, the king of the English was head of the feudal system in his kingdom; and this headship never became a dead letter, as was the case in France. The rivalry, which Mr. Stubbs so well describes, between the feudal and the national institutions, resulted, therefore, in the main, in a struggle between prerogative and parliament. It is a familiar fact that the exceptional degree of power en-

joyed by the king of England materially aided the growth of English liberty, by driving the nobles to ally themselves with the people; that is, feudalism in England was so organized that the king reaped the sole profit from it, and when the nobles would resist his aggression, they found ready to their hand a complete system of national local organization, — subsisting by the side of feudalism, partially feudalized, it is true, but in its entire spirit hostile to feudalism. There naturally ensued then that partnership of nobility and commonalty which is the peculiar glory of the English constitution.

The most interesting aspect assumed by this contest of prerogative — that which displays most completely its real character — is in relation to the revenue, and especially the collecting of customs duties. The confusion between national and feudal sources of revenue — carucage and taxes upon movables on the one hand, scutage, tallage, and aids on the other — might have strengthened the hands of an able and unscrupulous king, but in point of fact proved to be of real assistance to the cause of liberty. The supersedure of the multifarious exactions of the thirteenth century by the simpler methods of taxation of the fourteenth, was a decisive step away from feudalism.

It is difficult for us, in the light of modern theories of taxation, to realize the totally different footing upon which customs duties stood at the period under consideration. Indeed, ideas inherited from this early period unquestionably had a share in complicating the great issues of the seventeenth century. When King Charles demanded tonnage and poundage for life, he was but demanding what his predecessors had enjoyed without any question, — just as Queen Victoria, if she should undertake to interpose her veto to the passage of a bill, would be exercising an old and recognized prerogative. Customs duties, indeed, are, in their most obvious aspect, but an incident of foreign relations; and foreign relations are even now under the exclusive direction of the king. Foreign negotiations are wholly in his hands; he makes peace and war, and enters into treaty relations, without consulting his people; from all these powers it is but one step to the levying of import duties.

An ambiguity in the use of the term "knight" — a "knight of the shire," may not be a belted knight, just as a "lord of the admiralty" may not be a lord — is cleared up, in the first volume, by pointing out that the term was extended to all whose estate would entitle them to knighthood; as is well known, the "distraint of knighthood" has been a frequent source of revenue from this class. On the other hand, it is shown how the term *baron* was narrowed, so as at

last to exclude the *knights*, who must originally have belonged, in large numbers, to the baronial body. It is not noted that a similar ambiguity lurks in the word "esquire" (*scutifer*), which means, not merely *shield-bearer*, — attendant of a knight, — but also *escutcheon-bearer*, in which sense it was used to describe members of the knightly class who had not yet received the accolade. It is in this sense that the word has passed into the language of modern times, to designate the landed gentry, — the knightly class, but as yet unknighted.

The most characteristic and peculiar feature of the English constitution was the institution of knights of the shire, representing not an *estate*, but an *interest*, — the landowners, both noble and plebeian, and therefore forming a connecting link between the nobility and the commonalty. The composition and value of this body has never before been made so clear. They "formed a compact body which neither the crown nor the sheriff could diminish, as they could diminish the number of barons summoned, or of the representatives of the towns. . . . . Their rights were rooted not in royal privilege, which he who gave could take away, but in the most primitive institutions, and in those local associations which are to all intents and purposes indelible." (p. 189.) To this class, too, belongs, on the whole, the credit for the growth of the constitution during this period. "It was not men like Thomas of Lancaster: he used it because it had already become an influence which he could employ for his own purposes. It was not the clerical body generally, for they, although they supplied many supporters and workers, were hampered by their relations to the papacy, and were now losing that intimate sympathy with the nation which had given them their great position in the days of Langton. It was not the town communities, in which, beyond an occasional local tumult, the history of the age finds little to record; nor the great merchants, who, for good or for evil, are found chiefly on the side of that royal authority which seemed to furnish the most certain guaranties of mercantile security and privilege. Both historical evidence and the nature of the case lead to the conviction that the victory of the constitution was won by the knights of the shires: they were the leaders of parliamentary debate; they were the link between the good peers and the good towns; they were the indestructible element of the House of Commons; they were the representatives of those local divisions of the realm which were coeval with the historical existence of the people of England, and the interests of which were most directly attacked by the abuses of royal prerogative." (p. 512.) He might have added that they were the democratic element in the government, for, though themselves be-

longing to the noble class, they represented the yeomanry and even the villeins: it was the reactionary legislation of the reign of Henry VI. that turned the knights of the shire into an aristocratic class.

If there is any portion of the work in which Professor Stubbs has departed from his usual cautious and conservative method, it is where (p. 189) he hints that besides the three great estates, — clergy, nobles, and commons, — the lawyers and the merchants seemed likely at one time to form an estate of the realm. The facts brought up to sustain this point are interesting, but hardly warrant so strong a word as "likely," especially in view of the fact that the same three estates are found in nearly every constitution of Western Europe. "A negotiation with the merchants enabled the king to increase at will the custom on wool; the merchants agreed to pay the maletote, but they secured the monopoly, and the difference in price came out of the pockets of the commons." (p. 401.) But the merchants in such cases were in no sense acting in a public capacity; besides, they formed the most substantial part of the burgesses, and the boroughs would have made but a meagre show, if the merchants had gone by themselves. The case of the lawyers has more plausibility; still, even here, we must remember that the estates met at first mainly to grant supplies, and that the nobles, the clergy, the landed interest, and the towns made a pretty nearly exhaustive classification for this purpose. As a counselling body the lawyers might very well have stood by themselves; not, however, in the granting of supplies.

The period of the next volume is sketched in no flattering terms: "Weak as is the fourteenth century, the fifteenth is weaker still; more futile, more bloody, more immoral; yet out of it emerges, in spite of all, the truer and brighter day, the season of more general conscious life, higher longings, more forbearing, more sympathetic, purer, riper liberty." Nevertheless, Mr. Stubbs's labors will be welcome in this period, for it is even more obscure than the centuries which precede.

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5. — *Geschichte des deutschen Reiches vom Ende des vierzehnten Jahrhunderts bis zur Reformation.* Von Dr. Theodor Lindner, ausserordentl. Professor an der königlichen Universität zu Breslau. Erste Abtheilung: Geschichte des deutschen Reiches unter König Wenzel. Erster Band. Braunschweig: C. A. Schwetschke und Sohn. 1875. 8vo. pp. 436.

It is hard to see how any sane man should undertake a history of the compass and on the scale of this. The period embraced by it

certainly possesses a high degree of unity, well adapting it to a consecutive treatment; for a history which ends with Luther may very properly begin with Huss. But the early years of the reign of Wenceslaus do not properly come within this field by any close historical connection, and at any rate 1378 cannot fairly be called "the end of the fourteenth century." The religious movement in Prague in 1403 forms the proper commencement of such a history, to which a brief survey of the early years of the reign would form a suitable introduction. Or if it is thought desirable to approach the subject rather from the political than the religious side, the reign of Charles IV. should by all means form the starting-point. The author confesses as much in his Preface, and it is easy to see that the disproportioned space given to the tedious years here treated is due to the recent publication of Weizsäcker's "Reichsacten," which have supplied the historian with a tempting abundance of authentic materials; much as in every history of Greece the Peloponnesian War occupies a space altogether out of proportion to the intrinsic importance of its details. As a result we have a goodly volume devoted to the events of eleven years, — years as a whole singularly devoid, for Germany, of events of high interest: every one may judge for himself how many volumes will be required for the hundred and forty-one years covered by the plan.

A little grumbling at the impracticableness of the plan may perhaps be allowable; when we come to its execution, we have little but praise. The work is performed with the most scrupulous care and accuracy, and the tiresome and perplexing details of these worrisome years receive as much life and interest as perhaps they admit. Not that they are wholly devoid of interest in themselves. So far as they still possess value for us, they mainly centre around three series of events, — only one of them primarily German, but all with a very powerful influence upon German affairs. These three events are the Great Schism in the Church (1378), the death of Louis the Great of Hungary and Poland (1382), with the ensuing dynastic changes in those kingdoms, and the formation of the Swabian (1376) and Rhenish (1381) confederacies, with the wars and negotiations growing out of them.

The first of these events is narrated with great fulness and accuracy; the chapter indeed is made out of a monograph which appeared in Sybel's *Historische Zeitschrift*. Affairs in the two eastern kingdoms occupy also a large share of space; which will not appear disproportioned when we consider that Wenceslaus was primarily king of Bohemia, and only secondarily king of Germany. This

wretched sovereign inherited little of his father's ability or steadfastness of purpose; but one quality he did inherit from him, — an eager purpose to aggrandize his family. This was the leading policy of his reign, so far as in his earlier and better years he can be said to have had one. To secure to his brother Sigismund the throne of Poland or Hungary or both, he sacrificed his own imperial rank and the unity of Christendom. For, as Dr. Lindner shows, had he carried out his purpose of being crowned by Urban VI. at Rome, the authority he could have exercised as co-ordinate head of Christendom would in all likelihood have completely crushed the Schism; and it is almost certain that if he had had the prestige of emperor, and not merely of king of the Romans, he could hardly have been deposed, in spite of his vices and maladministration.

These two groups of events, with their varied and often tragic incident, are those which give this volume its most general interest: it may be questioned, however, whether the deepest and most significant associations of the period will not be found in connection with the monotonous and seemingly trivial details relating to the South German leagues of cities. The Hanseatic League of Northern Germany fills a large space in universal history. Engaged chiefly in foreign commerce, and in intercourse with foreign nation, it acquired practically the power and prestige of an independent confederacy; but for this very reason it had less importance in the internal affairs of Germany. The cities of South Germany — Frankfort, Nuremberg, Strasburg, Ratisbon — were not inferior to Lübeck, Hamburg, and Cologne in intrinsic power and importance; but their energies found no external sphere of action. Their confederacies, therefore, hardly known to ordinary readers, were of high importance in the development of German constitutional history.

Their history is given by Professor Lindner with great perspicuity; he has analyzed very clearly the circumstances which led to their establishment, and has succeeded in unravelling the perplexed thread of their subsequent fortunes. Here, however, as elsewhere, — relying no doubt on the familiarity of his countrymen with the history of their own institutions, — he has abstained from carrying back his analysis quite so far as we certainly should desire. For his purposes Frankfort, Strasburg, and Nuremberg are independent towns, standing in the same relation to the empire as their princely and knightly rivals. This is enough, perhaps, for the purposes of diplomatic history; but the full understanding of the epoch demands a somewhat nearer acquaintance with the internal nature and organization of these little republics. Here his book is admirably supplemented by

a recent address of Professor Schmoller, Rector of the University of Strasburg, — *Strassburg zur Zeit der Zunftkämpfe*, — which contains exactly the information which the reader needs, in order to comprehend the nature of the contest described at length by Professor Lindner.

That the cities of Germany were powerfully affected by the great democratic wave which swept over Europe in the fourteenth century, is a well-known fact; their constitutions were recognized at this time, in such a manner as to give the trade-guilds — the *industrial classes*, be it understood, not the *laboring* classes, as we now understand them — a greater or less share of power. The old city patriciate, itself akin to the feudal aristocracy, had been content to administer affairs in a moderate and conservative spirit, satisfied with the inherited power and dignity. The new democracy had a loftier ambition and a more restless spirit. "The history of the fourteenth century," says Schmoller (p. 33), "is an endless tying and untying of single threads, which in the form of treaties and compacts on one side maintain peace and quiet, on the other are designed to bring to the confederating elements enhancement of power and influence. On the one side stand the cities, on the other the princes. The knightly body, half burgher, half rural, was divided, now leaning more to the cities, now to the princes, or sought by knightly confederacies to carry out a policy of their own. The most essential point was the contest between the princely and the burgher orders; it must finally be decided by the arbitrament of arms whether future political formations in Germany, developing out of the chaos of the constitution of the realm, should build upon the cities or the princes; whether the future of Germany should belong to the municipal states, as in Italy, or to the princely states." It would not be possible to describe better the substance of Dr. Lindner's book than in the opening words of this passage; and with the key here given, the tiresome and complicated events become comprehensible and interesting.

This contest for supremacy began in the period covered by the present volume, and came to a disastrous close in that of the volume next to follow. In this contest the several parties which composed the party of the cities fall into three groups, — the Rhenish cities (Frankfort, Mentz, Worms, Spire, Strasburg, and Basel, with one or two others), the Swabian cities (at their head Ulm), and the rural Swiss communities. The distinction, the historian shows, was not an unessential one. The aims of the two groups of cities were quite different. The Swabian cities, except Ratisbon, were simple cities of the empire (*Reichsstädte*), which were striving to assert a position of

independence; the cities of the Rhenish confederacy were (all those above enumerated except Frankfort) *free* cities, which "took their oath to the king only as king, and not as lord of the soil and the court [*Grund und Hofherr*], paid therefore no regular tax to the empire, but owed the empire only a contribution to its common burdens." (Lindner, p. 140.) The Rhenish confederacy was, therefore, only a league formed for mutual defence under special exigencies; it was defensive, not aggressive, like that of the Swabian cities; and it was only after a strong effort that the latter succeeded in securing a union of the two leagues. The Swabian cities were equally eager for auxiliaries in the other direction, and in 1385 succeeded in bringing about an alliance with the Swiss cantons; the great victory of Sempach the next year, although not without the aid of the German cities, must have contributed powerfully to foster the warlike policy of the following years.

The relation of Wenceslaus to these controversies is noteworthy. In the beginning of his reign he adhered to his father's policy of hostility to the cities. Charles IV. is one of the sovereigns of history to whom the judgment of the present day is more favorable than that of earlier times. He did not belong to that age of violence and of mock chivalry, and never received justice from those who took their standard from that. We are accustomed to say that with Louis XI. of France and Henry VII. of England began the modern type of kings; and so it did, so far as successful and consecutive administration is concerned. But Charles IV. of Germany was a prince of the same cool, sagacious character, with the same appreciation of the benefits of peace and industry. Maximilian's jest of the "Erzvater Böhmens, Erzstiefvater des Reichs," is well known. In truth Charles saw and recognized the limits of the possible. What one man could do at that time to bring order out of the chaos of the empire, his Golden Bull accomplished; for the rest he deserves the fame of having made Bohemia, his native country, the political and intellectual centre of Europe north of the Alps. To him the great evil of the day, the great source of anarchy and disorder, must have seemed the restless democracy that held sway in the cities; the chief obstacles to his efforts at an orderly constitution. They were no less grasping and turbulent than the knightly order; at the same time, while containing the seeds of the future, they were a revolutionary element, — and Charles was after all a king and an emperor.

Wenceslaus had not probably any more sympathy with the cities than his father had had; but when he found himself deserted by the princes, and projects of deposing him set on foot, he was naturally

drawn to the side of their great enemies, the cities; just as afterwards somewhat similar causes led him to a position of partial favor towards the Hussite movement. The turning-point in his policy is formed by his successful efforts to gain for his brother Sigismund the throne of Hungary, 1386; from this time he was more and more estranged from the princes of Germany, and more inclined, therefore, to favor the leagues of cities.

Dr. Lindner's style is clear and sufficiently animated. The subject of the volume is as a whole too dry to call out the best qualities of an historian; he appears, however, to very good advantage in those parts which admit of a freer treatment. Charles of Durazzo is a name tolerably familiar to English readers through his connection with Joanna of Naples; his entire career will be found well narrated in this volume, and his stormy transactions with the savage Elizabeth of Hungary, and his death at her hands, form its most graphic episode.

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6. — *The Life of Jonathan Swift.* By John Forster. Vol. I., 1667–1711. New York: Harper and Brothers. 1876.

On the whole, it is to be regretted that Mr. Forster did not live to finish his life of Swift. For many years he had been accumulating materials for it, — rummaging libraries, purchasing rare books, collating manuscripts, talking with men connected as nearly as men of this generation can be with the persons, events, or writings with which he was to deal. His standing announcement, to whom it might concern, that he had constituted himself Swift's next friend, added the fruits of other men's industry or good fortune to his own; and his income was sufficient to enable him to profit by all that came in his way. Persevering, painstaking, with an eye and a taste for details, he probably discovered everything that remains within reach of inquiry. Had he finished the work he began, we should have before us all the evidence now accessible as to Swift's conduct and character.

By Mr. Forster's death, some of this evidence must inevitably be lost. Even if his executors find many of his papers in a condition to be used, there can never be any certainty that they have found all; even if the papers are put into good hands, — as in these book-making days is but too unlikely, — it is unreasonable to expect of any editor the intimate knowledge of the subject possessed by one who had made it his subject for half a lifetime. At the best, the rest of the story will be told in a way so different from Mr.

Forster's way as to destroy that unity which is essential to a biography, whether considered as a presentation of facts or as a work of art. It follows that the life of Swift is yet to be written.

As published, Mr. Forster's biography leaves Swift in London, February 24, 1711, when he was nearly forty-four years of age. He had then been in London six months, had fairly entered upon his famous fight for the Oxford-Bolingbroke Ministry, and had written about a quarter of the even more famous letters to Esther Johnson and Mrs. Dingley, commonly known as the "Journal to Stella." Had the work been brought down to June, 1713, it would have comprised the period of Swift's greatest activity, the years of his prime, the years of his greatest political triumphs for others and of his greatest defeats for himself, the years which determined his relations with the two women who have, since his death, exercised greater influence upon his reputation than they did upon him while alive.

If the record of Swift's history up to the time of his installation as Dean of St. Patrick's were complete; if we knew what he was as a boy in the Kilkenny school, as a youth in the University of Dublin, and in Sir William Temple's household, as a man in his dealings with affairs, with other men, and with women; if we could trace all his acts and words, up to 1713, to their hidden springs in character and circumstances; if we could place ourselves in the midst of those circumstances, see the life, hear the talk, enter into the feelings of the people who lived under King William and Queen Anne; if, in a word, we could know Swift from birth to forty-six, in himself and in his environment, we should have the key to all that requires explanation in his later years. Before he left England for the city where he was to die — to use his own bitter expression — "like a poisoned rat in a hole," his strongest personal ties were formed, his physical, intellectual, and moral habits fixed, his opinions hardened into prejudices, his future determined. The views of human nature subsequently embodied in "Gulliver's Travels" had long been his; the disease which eventually extinguished his genius had already affected his temper, if not his brain. To know him in his prime would be to know him always; but no knowledge of him, however complete, that began after his struggles with life were mostly over, his position fixed, and his powers beginning to feel the touch of time as well as of disease, would warrant correct inferences as to the past.

Unfortunately, we know most about that period of Swift's life concerning which we have least need to be informed. "Swift's later time," says Mr. Forster, "when he was governing Ireland as well as

his deanery, and the world was filled with the fame of *Gulliver*, is broadly and intelligibly written. But as to all the rest, his life is a work unfinished; to which no one has brought the minute attention indispensably required, where the whole career has to be considered to get at the proper comprehension of single parts of it. The writers accepted as authorities for the obscurer portion are found to be practically worthless, and the defect is not supplied by the later and greater biographers. Johnson did him no kind of justice, because of too little liking for him; and Scott, with much hearty liking as well as a generous admiration, had too much other work to do. Thus, notwithstanding noble passages in both memoirs, and Scott's pervading tone of healthy, manly wisdom, it is left to an inferior hand to complete the tribute begun by those distinguished men."

Such was the condition of things when Mr. Forster, shouldering the other biographers aside, entered the field. The paragraph from his Preface, quoted above, shows the spirit in which he went to work, and suggests his two principal merits. He, at least, has brought to his subject both "the minute attention indispensably required," and "much hearty liking as well as a generous admiration."

On the first point, enough, perhaps, has been said in praise of Mr. Forster's thoroughness. He shows complete familiarity with all that has been written by or of Swift. No detail is so small as to escape his miscroscopic eye; no inaccuracy on the part of another is too insignificant to be exposed; no question of fact or of opinion is unworthy of elaborate treatment: to every point "minute attention" is faithfully given.

On the other hand, it must be said that Mr. Forster has *les défauts de ses qualités*. His eyes are especially adapted to short distances. He rejoices, like an amateur proof-reader, in the discovery of petty errors; and he inflicts upon his readers the proof-sheets, all blurred with his corrections. The Dean's Autobiography, for instance, — which Mr. Forster is entitled to the credit of printing accurately from the manuscript, for the first time, — he renders almost illegible by numerous references and cross-references to previous editions. The ordinary reader would have been content with a few specimens of the points of difference; and the curious reader might well have been left to follow out the comparison for himself. A similar course might profitably have been pursued with the later letters to Stella, — here printed correctly for the first time, — but as these are in an appendix, and as the points to be made out depend upon a variety of details, the reasons for putting all the details in evidence are stronger than in the other case.

The same habit of mind leads to more serious faults. The flow of the narrative is obstructed by things of small consequence when they happened, and of no consequence now. Names of people, long dead in all senses, who happened to meet Swift, but whose history, so far as it is known, sheds no light on his character or career, are constantly recurring. Nothing, however unimportant, which Mr. Forster himself has unearthed, — dreary exercises in puns, for example, — fails to appear, usually at full length. Not satisfied with telling the truth himself, he must needs impale every one by whom it has been misstated, or overstated, or understated, or stated with "absurdly minute particularity," — a charge (singular in Mr. Forster's mouth) frequently brought against the Dean's nephew, Mr. Deane Swift.

A good illustration of this besetting sin occurs early in the volume. Having had the good luck, such as seems often to have attended his perseverance, to find the record of the Dublin University Quarterly Examination at the end of Easter Term, 1685, Mr. Forster very properly prints a fac-simile of the paper; but, not content with thus setting the fact before his readers, he falls foul of everybody who, upon the authority of Swift's Autobiography and traditional sayings, has said anything concerning Swift's collegiate career. Here, not only the biographers proper, but Macaulay and M. Taine come in for their share of castigation. Yet, after all, the difference between the record and the old story is essentially unimportant. Granting that the first Swift on the roll, who has *mediocriter* in each study against his name, is Thomas (Swift's "parson-cousin"), and that the second, who is marked *male* in Philosophy, *bene* in Latin and Greek, and *negligenter* in Theology, is Jonathan, we naturally conclude that one of the greatest masters of the art of reasoning was accounted a dunce by the examiners in Scholastic Logic, then called Philosophy, and that the author of "The Tale of a Tub" neglected the dry bones of Theology, and gave his time and talents to the Classics. And this is in substance the conclusion reached by Delany and the rest.

After a similar fashion, Mr. Forster, though agreeing with preceding writers in the statement that Swift was poor, miserable, and wild, while at the University, and that he received several reprimands from the authorities, joins issue as to the precise character or the dates of his offences. In short, he gives seventeen pages to what might better have been treated in two.

These pages are characteristic of Mr. Forster, as showing not only his inordinate love of details, and his great respect for himself coupled with a corresponding disrespect for others, but also the liking and admiration for Swift which constitute his second great merit. Unless

a biographer is in love with his subject, he is not likely to succeed. Liking implies sympathy, and sympathy gives knowledge of character, and creates interest. It is this that inspires books like Boswell's Johnson, Lockhart's Scott, and Irving's Goldsmith. Had Mr. Forster looked at Swift with the eyes of Jeffrey or Thackeray, he would have been ill-fitted for his task. His favorable disposition probably gave him the first impulse toward the subject, and certainly kept up his courage and his patience during a long period of drudgery. By it he was enabled to find and to hold the clew to Swift's political and religious opinions, and to show — to the satisfaction, as we believe, of an unprejudiced mind — that he was substantially consistent with himself from beginning to end, and that his private reasons for taking this or that course were simply cumulative of his public reasons. By it he was enabled, too, to strip from the history of Esther Johnson the misrepresentations of malignity, or of sentimentality, and to present in their true light her relations to him who was her teacher in childhood and her dearest friend in later years. The loving care with which Mr. Forster restores to the later letters, from the originals in his possession, "the little language" — dating, doubtless, from Esther's childhood — which preceding editors had ruthlessly cut out or altered, deserves our gratitude, though his translations of the cipher (which please him so much that he gives them twice at full length) are far from satisfactory.

Mr. Forster's liking for his subject does not, as it seems to us, bias his judgment as to Swift's character or actions, but it assists to render his narrative unnecessarily and unwarrantably long. In his anxiety lest the reader should fail to see his points, he makes them several times. Instead of selecting the best witnesses, he produces a mass of testimony which overwhelms rather than enlightens the judgment. Instead of using the "Journal to Stella" to elucidate or confirm a statement, he spreads it over page after page, now for one purpose, now for another, now for no apparent purpose, mixes it in the same paragraph, in the same sentence even, with his own language, seasons it with admiring comments, and serves it up in one chapter, and then in another. The reader loses the natural ease and entertaining variety of the journal, on the one hand, without gaining an intelligent acquaintance with the order of events, on the other.

When Mr. Forster takes occasion, or makes occasion, to speak of Swift's writings, he has no measure in his praise. "The Tale of a Tub" is the greatest of satires; the letters to Pope and others are the best letters ever written; "The Examiner" is at the head of all political compositions; and no fugitive verses, and hardly any puns, are quoted without a note of admiration.

Such sweeping praise tends to defeat its object, as can be seen in the comments it has called forth. Swift's writings need no trumpeter. No panegyric is likely to make one who cannot enjoy them appreciate their intense realism, their brawny strength, their terrible directness, their more terrible indirectness. The biographer's business is done when he has made his readers see the connection between Swift's writings and his life, the sense in which they were his life, — that part of it into which his personality most powerfully entered, — and has pointed out the influence of those writings upon public opinion and upon men of genius in his own and in succeeding ages. The criticism, the feelings and sentiments, appropriate to the life of a man of letters, are out of place here: for Swift was a man of affairs; his words were not so much words as things.

Scott felt this; the reader of Scott's Life of Swift feels this. Despite the incompleteness of his materials and the erroneousness of some of his conclusions,— notably the strange hypothesis he connects with his belief in the marriage of Esther Johnson to Swift, a marriage of which Mr. Forster "can find no evidence that is at all reasonably sufficient"; — in spite of all drawbacks, to Scott rather than to Mr. Forster we should send a person who desired to obtain a competent knowledge of this remarkable man.

Scott's work is compressed within reasonable limits, and "is broadly and intelligibly written"; and his "pervading tone of healthy, manly wisdom" is in pleasing contrast with the tone habitual to Mr. Forster. His conclusions both as to Swift's private character and as to his public course and general principles of action are as favorable as those of Mr. Forster; and he has an equally hearty and a more robust liking for him, an equally generous and a more discriminating admiration for his genius. He sees, moreover, more deeply into a character peculiarly difficult to understand, and weighs it with a more steady hand in the scales of the eighteenth, rather than in those of the nineteenth century. In point of style, as in point of insight, imagination, and breadth of treatment, Scott's biography is greatly superior to Mr. Forster's. Open to criticism, here and there, his sentences may be, — though never obscure or verbose, as Mr. Forster's too often are, — but he has, and Mr. Forster has not, the power to hold the attention. "Tediousness," says Johnson, "is the most fatal of all faults; negligences or errors are single or local; but tediousness pervades the whole; other faults are censured or forgotten, but the power of tediousness propagates itself. . . . . Unhappily this pernicious failure is that which an author is least able to discover."

7. — *Joseph and his Brethren: a Dramatic Poem.* By Charles Wells. With an Introduction by Algernon Charles Swinburne. London: Chatto and Windus. 1876. Cr. 8vo. pp. xix, 252.

The fate of this interesting book forms a curious chapter in literary history, and is well fitted to serve as a text for a long sermon on the uncertainty of fame and the unsoundness of contemporary judgment. Its author, Charles J. Wells, who was born in the early part of this century, was an intimate friend of Keats and R. H. Horne, and perhaps more than an acquaintance of Hazlitt. It was to him that Keats addressed the sonnet, "To a Friend who sent me some Roses," in which, it will be remembered, is the line, —

"But when, O Wells! thy roses came to me."

Mention of him is also made in Keats's correspondence. In 1822 he published a prose volume called "Stories after Nature," of which there are but two copies now known to be in existence, one at the British Museum, the other at the Bodleian Library. Some of the stories, however, we learn from an interesting letter in the "Athenæum" of April 8, 1876, were reprinted about thirty years ago by Mr. W. J. Linton, in the "Illustrated Family Journal," with illustrations by Mr. F. R. Pickersgill, and were afterwards reissued by him in the "Illuminated Magazine," in which may be found the early work of some men who since that time have become more or less well known, such as Leech, W. H. Dixon, and others. It was in the last-named periodical that "Claribel," one of the "Stories after Nature," was for the first time reprinted. Indeed, Mr. Linton admired this one so much that he dramatized it and published it in his "Claribel, and other Poems," which appeared in London in 1865. In an introductory note he says, "To my friend, Charles Wells, — the author of that most noble dramatic poem, 'Joseph and his Brethren,' — I owe the story of 'Claribel'; and not only the story, but also numerous passages (in the first, second, and fifth scenes of the second act), of which I have done little more than adapt the measure." What the passages are the reader will most probably have to conjecture; the whole poem is a notable one, and the story, dealing with the love of a king's daughter for a page, and her rejection of his best friend, Prince Casimir, and their tragic fate, is fine enough in itself to justify the warm praise given to the original and its companions, by those who have seen them. The scenes in which Mr. Linton has done hardly more than to adapt the measure are not noticeably superior to the rest of the play, but it may be that these lines are from the story: —

"You should have seen
Prince Casimir approach, with eyes downcast,
To kiss the princess' hand; you would have thought
Some pilgrim met a cross in the wilderness, —
He bowed such adoration, and so held
Her white hand in his touch. But when he rose,
'T was plain to read the victory in his face," etc.

They have somewhat the sound of parts of "Joseph and his Brethren," as extracts further on will show. Besides these tales and the poem that has so recently been disinterred, his sole printed contributions to literature are a sonnet to Chaucer, prefixed to "Chaucer Modernized," edited by Horne in 1841, and two articles in "Fraser's Magazine." This is the sonnet which bears the date of 1823: —

"English Chaucer! oft to thy glory old
Thy sire-ship in poesy, thy fame,
Dull'd not by dusty Time (which aye will hold
Thy name up, banner high, bright as a flame
That burns on holy altar), — have my ears,
Like portals, wide been opened. Great fears
And worldly cares were on me; but a hand
Power-fraught with this rich gift, hath gently fann'd
My sorrow'd spirit to a ripe zeal fine.
Now gaze I like young Bacchus on his wine,
And own no check from sorrow's hollow frown,
Full-hearted that the wrestler is down;
Strong as an eagle gone up to the sun,
Dull earth I quit, and stray with Chaucer on."

The first of the two articles in "Fraser's Magazine" appeared in the number for October, 1846; the second in that for June, 1847. They are entertaining and readable, but not much above the ordinary level of good magazine articles. In the earlier one Mr. Wells described boar-hunting in Brittany very vividly, and for a sequel he wrote a story of the way in which one of the gentlemen he met there won his wife's love. She married him at her parents' order, detesting him, while he secures her affections by letting her see the worthlessness of the devotion she received in society, and the depth of his own. Any one who can lay his hands upon the volumes would do well to read the two articles.

This is certainly a meagre record for a man who had written a poem which had shown his fitness to stand among the best of modern English verse-writers. It was in 1824 that he published his masterpiece, "Joseph and his Brethren," under the pseudonyme of H. L. Howard. From the letter in the "Athenæum," referred to above,

from which we derive most of our knowledge of the facts of his life, we learn that he left to a friend the task of seeing the volume through the press, and that he himself spoke of the poem as "litter." It fell perfectly flat; Hazlitt read it and said that it showed great genius, but he advised its author to stick to his profession, the law. Horne, when he had seen it, advised him to stick to poetry; but Mr. Wells followed the advice of neither. He remained for a time in London, writing parts of plays in such a way as, it is safe to say, with Mr. Watts, in the "Athenæum," "no other man of the time could have written them," and delighting his friends with his conversation. After that he moved to the Continent, and is now living in Marseilles, receiving tardy thanks and delayed honor for this book. At times he has possibly smiled grimly when reading remarks in self-complacent literary journals about the accuracy of modern criticism and the glories of English literature; but, at any rate, he is likely to be known for more years than he has been unknown, and posterity will grant him what has been denied him by his contemporaries. Although the book met with no public attention at the time, it did not wholly sink into oblivion, near as it came to it. In the "Monthly Repository," New Series, for March, 1837, the editor, Mr. Wells's old friend, R. H. Horne, wrote a notice of Wells, and in his "New Spirit of the Age," published in 1844, in an article on Henry, now Sir Henry, Taylor, and the author of "Festus," he made the following allusion to him: "Imaginative and impassioned poetry has not been so uncommon among us as may have been thought. Those whom 'it concerned' in nearly every instance discovered it, and welcomed it. Besides those who are already recognized, there have been, and are, others. Several of these little known, or unknown, works we will mention. It is a service of abstract love; and we trust it will be received, not in a resentful, but a kindly spirit, by those who may now hear of them for the first time. One of the least known, published as long since as 1824, under the unpromising title of 'Joseph and his Brethren,' was full of the elements of true poetry, — in passion, imagination, and in thoughts, resulting from the reason and the understanding. It also displayed great descriptive powers." The next remark is less happy and possibly quenched in some the desire of looking the poem up, for Mr. Horne goes on: "The resemblance of the author's mind to that of P. J. Bailey, the author of 'Festus,' is extraordinary." But even this statement did not deter Mr. D. G. Rossetti from seeking the book in the British Museum and from praising it warmly, — "without resentment," — when he had read it. In his supplementary chapter to Gilchrist's "Life of Wil-

liam Blake," Vol. I. p. 381, he said: "This work is, perhaps, the solitary instance, within our period, of poetry of the very first class falling quite unrecognized, and continuing so for a long space of years." If we may be pardoned the digression, it is possibly worthy of note that another instance of such neglect is the way in which Mr. Fitzgerald's translations, and especially that of Omar Khayyam, have been treated by the English, who have but recently begun to do them justice. Not only did his version fall dead on the market, but it was ignored by critics as well as by readers, and it was in this country that it first secured recognition in the number of this Review for October, 1869. In the course of the next year an article referring to the one which had appeared in these pages was published in "Fraser's Magazine," but it produced no effect, and only after another article, published in March of this year, in the "Contemporary Review," was any general interest aroused in this remarkable book. Meanwhile English literary moralists were perpetually reproaching us Americans with neglect of our own Walt Whitman and Joaquin Miller, making contrasts likely to promote international hatred and to undo the good effect of the Treaty of Washington. The author of the article in the "Contemporary" spoke in a singular way of the success of Mr. Fitzgerald's translation of Omar Khayyam in this country, saying that it met with approval "in a small section of American society," as if in England the quatrains were sung by miners, marketmen, railway-guards, cabbies, milkmen, prize-fighters, and ecclesiastics, and quoted in Parliament and at labor-reform meetings.

Mr. Swinburne was led by Mr. Rossetti's warm praise of "Joseph and his Brethren" to look up the original in the British Museum, and so much was he struck by its merits that he wrote an article about it, which he sent to "Fraser's Magazine," but it was declined by Mr. Froude, the editor. This was thirteen years ago. Meanwhile Mr. Rossetti had been in vain endeavoring to find a publisher for the play, which Mr. Wells, stimulated by Mr. Rossetti's enthusiasm, had consented to revise and put into better shape. But the publishers were averse to touching it; a Scriptural drama seldom tempts the public; and an unknown poem, forty or fifty years old, has but little charm for the vast majority of readers, who care more for novelty in what they take up than for anything else. Mr. Swinburne, too, neglected no opportunity of praising Mr. Wells. In his essay on Blake, p. 13, he says: "In dramatic passion, in dramatic character, and in dramatic language," his "great play is no doubt far ahead, not of Blake's work only, but of most other men's," and that it was "a poem which for strength of manner and freshness of treatment may cer-

tainly recall Blake or any other obscurely original reformer in art." When a publisher was found for "Joseph and his Brethren," the condition was made that its appearance should be preceded by Mr. Swinburne's article calling attention to it and giving numerous extracts. This came out more than a year ago in the "Fortnightly Review"; and now, when there are only three copies of the original in existence, so far as known, we have this volume before us with the opportunity to pass judgment upon the indifference of our fathers and to test the reasonableness of the raptures of newer critics.

In the first place, almost every one will have more or less strongly a feeling of conservative prejudice in favor of the justice of those who let the poem drop, which, however, may possibly lose its strength through the present fashionable dread of being thought illiberal; and moreover there are some, especially in this country, who will hold their enthusiasm in check as they recall the fact that Mr. Wells's warmest backers are Mr. Swinburne and Mr. Rossetti. The first-named of these gentlemen often takes hasty aim and misses the target; and when it is remembered that he expresses the utmost contempt for Alfred de Musset, while almost worshipping Victor Hugo, that he has no words too good for Walt Whitman, while he is foul-mouthed in his abuse of Mr. Lowell and Mr. Emerson, one is apt to think that his feelings sometimes run away with him, as the saying is, and that he writes some of his criticisms in the same spirit in which it may be imagined that war-songs are composed shortly before action. Indeed, in his prefatory notice to the book, he says that it was "not unworthy of the time when England still held, or still divided with the land of Goethe, that place at the head of European literature which France was to assume and retain after the mighty movement of 1830"; a remark which seems to display a good deal of credulity for a critic so positive in his statements, and is of a sort to arouse distrust. But those who feel any doubts about the excellence of "Joseph and his Brethren" can do nothing better than to take up the book and settle the question for themselves. If they distrust the critics, and open the volume with perfect impartiality, they deserve to be congratulated on their good fortune, for soon they will know a feeling every one has sighed for, that, namely, of reading a masterpiece without knowing beforehand exactly what they are going to think about it, and they will become quickly aware that they have before them a great enjoyment, and a sort of enjoyment that is only increased by iteration, for the poem is found to improve with frequent reading. It is, if anything, too rich to be taken in at once, to be enjoyed without due lingering and repeated return to the finer passages,

and much is so compactly written that the full meaning is not caught at the first glance. Another thing to be noticed is that extracts do it no manner of justice; the poem contains no complete, epigrammatic lines which condense a scene and can be detached and handed about for admiration without harm to the whole. A great part of the fineness of "Joseph and his Brethren" lies in its majesty, which is not fairly represented by taking out bits here and there; and passages of great force in the context seem cold and lifeless when taken from their proper surroundings. Nevertheless that is the only thing left to do, and this word of warning must serve to prevent a possible feeling of disappointment at the inadequacy of parts to prove the merit of the whole. After all, this toleration is not much to ask; a poet writes lines for their place in his poem, not for the adornment of a review, or, at any rate, that should be his method, although there may be some who do not follow it, and who care more for lines which may be transferred into a book-notice, than for the value of their poem as a whole.

"Joseph and his Brethren" is a dramatic poem, and not a play intended for representation. It is divided into acts and scenes, but without reference to the stage, with prologues full of impressive descriptions, and with conversations in the body of the poem, so that there is retained what is of value in the dramatic form, with freedom from its restrictions. The opening prologue to the first act strikes the note which prevails throughout the poem, of richness and fulness of sound, and of that use of language which has been unknown among writers of English since the time of the greatest of the dramatists. Thus, for example, is evening described: —

> "The shepherd beats his bell; the tranquil herds
> Lowing obedience, from the dimpled spring
> (Where the bright flowers disturb'd with their sweet breath
> Tremble like starry gems in Dian's hair),
> Slow wind the hill, and in their staked folds
> Snuff the fresh straw and scent the keener wind,
> Crook their sleek knees to welcome night's repose.
> The Sun while sinking from his daily round
> Had starr'd the heavens like a fiery flaw,
> Showing his glory greater than the west:
> Glancing the Moon and fighting her faint beam,
> Across the barréd portals of the east
> His fulgent heat reflected glowing fire.
> The dying embers of the burnish'd king,
> Now sunk behind the mountain's hemisphere,
> Were fading fast away. He was declin'd

(Not like pale Cynthia to her bath, a lake
Rich in its violet sward and jassmine bowers),
A god gigantic habited in gold,
Stepping from off a mount into the sea:
The evening breeze that whispers of repose,
And fans the crimson'd marygold to sleep,
Grows sharp and brisk; and silence on the light
Gains step for step, as light retires to shade."

What will be noticed in this passage is the naturalness of the writer, the directness of the way in which he sees nature, as well as the opulence, sometimes tending towards excess, of his power of expression. His style is unmodern, — that is implied in calling it natural, — the writer does not draw the scene as regarded by one in any particular mood, as is done, for instance, in Tennyson's "Lotus-Eaters," and in Morris, *passim*, where there is to be detected laborious struggle after simplicity; the author sees with a poet's eyes, and what he sees he sets down. Since brief passages are all that can be put into a book-notice, it is passages like this which have no direct bearing on the play which do Mr. Wells most justice. The action of the scenes is nowhere centred in a few brief, terse lines, as we have said; the development of the plot is slow and unhurried; it is more like a story that is told than a play that is acted. This impression is only strengthened by the reader's familiarity with the incidents of Joseph's life, which, it may be said, by the way, are very different from those of the stage hero. It is in his management of these that the poet's higher art is seen. He preserves Joseph from appearing odiously superior to his brothers, and in the important scenes with the wife of Potiphar, his great art makes their interviews a struggle between the passion of an imperious woman accustomed to adoration and obedience, and the honor and loyalty of Joseph to his absent master. The gentleman who makes brief mention of recent literature in the "Westminster Review" says in the number for April of this year, that "no amount of excellence in the portrait will persuade the British public even to glance at such a character," and that it will "militate against the popularity" of the poem, a criticism which seems ill-founded, and would argue against the popularity, among such prudent people, of another book, where this character first appears. In fact, however, there is not the slightest touch in any part of "Joseph and his Brethren" which need disturb any one. Phraxanor may be justly compared with Shakespeare's Cleopatra, as has been done by Mr. Swinburne. There is little in the play finer than her arguing with her attendant about the majesty of love: —

"All matters that are greater than ourselves
Do trace their secret graces to our hands.
For glory captains struggle in the fight,
And play against the bulwark of the foe
The o'erbrowing engines in the stubborn siege;
But love doth brace the garland on his head,
Making proud victory sweeter than it is.
What warlike prince doth doff his laurel yet
But he did cast it in some fair maid's lap,
Saying, 'My greatness I commit to thee,
Mistress of it, and me, and my proud heart'?
He who has won whate'er he still desir'd,
Strewing his path with flowers of sweet success,
Is yet a poor and melancholic man,
Sad as a beggar craving in a porch,
Being denied the woman he does love."

Narrowing space forbids ampler justice to this wonderful scene. One more passage is required, however; Phraxanor says: —

"O ignorant boy! it is the secret hour
The sun of love doth shine most goodly fair.
Contemptible darkness never yet did dull
The splendor of love's palpitating light.
At love's slight curtains, that are made of sighs,
Though e'er so dark, silence is seen to stand
Like to a flower closéd in the night;
Or like a lovely image drooping down
With its fair head aslant and finger rais'd,
And mutely on its shoulder slumbering.
Pulses do sound quick music in Love's ear,
And blended fragrance in his startled breath
Doth hang the hair with drops of magic dew.
All outward thoughts, all common circumstance,
Are buried in the dimple of his smile:
And the great city like a vision sails
From out the closing doors of the hush'd mind."

This curtailed extract fails to make so complete an impression as it does in the original, because its relation to the context is wholly lost, and the reader does not perceive that it stands as the climax of her appeal for Joseph's love; and even when he is told that it does, the mere statement is unsatisfactory, because no description can define and give the tone of the original with its eloquence, imagery, and musical movement. Mr. Wells clings closely to the Bible story; where that is brief he at times builds upon it some grand scenes, as in the long and rich description of the triumphal procession of Pharaoh, of which one of the characters says: —

"The walls did groan.
The trees did bear more men than ever fruit.
No dangerous edge, but like a swallow perch'd,
Some rough Egyptian through his straining eyes
(Much like a hungry beggar at a feast)
Suck'd in magnificence. Plenitude fed desire:
Appetite crav'd past both. No man did know
That was his house, for still it was o'errun
By general feet; all vacancies chok'd up.
Three parts of the city emptied the livers out
And chok'd the fourth. It were an easy thing
For twenty men-at-arms to sack the thirds,
And take the other gazing. Age, youth, brown, fair,
Were heap'd-up spoils to wonder; faces were
Like stamp'd coin, huddled in heaps to pay
A tribute to the sight. — There was a buzz
Vexing the passing breeze, much like to that
Whenas a man doth put his wary ear
Close to a hive of bees; and then a shout
That made old soldiers redden as they look'd
Into each other's thoughts. — O, it was rare!"

Even finer, though too long for quotation, is the account of the procession itself narrated to two belated Egyptians by the speaker of the previous passage, who says here: —

"Cas'd o'er in burnish'd plates I, hors'd, did bear
A snow-white eagle on a silver shaft,
From whence great Pharaoh's royal banner stream'd,
An emblem of his might and dignity;
And as the minstrelsy burst clanging forth,
With shouts that broke like thunder from the host,
The royal bird with kindred pride of power
Flew up the measure of his silken cord,
And arch'd his cloud-like wings as he would mount,
And babble of this glory to the sun."

The reader must take up the book to get the rest. He will find passages reminding him of Keats in the directness of vision which they show, in the swift grasp of what is perceived through the senses, and in the untiring enjoyment of all that is beautiful. The language, too, in its profusion and its picturesque exactness, carries out the resemblance, and shows that the two poets studied with the same teachers, and shared in the influence of the Elizabethan revival. What Wells has added to this literal poetical outfit is a sense of dramatic propriety which the perusal of the book will show, and which will well reward thorough and careful study. Moreover, he has, what

Keats lacked, a perception of the relations human beings bear to one another. Here and there are slight affectations of no importance which were caught up from the authority of the older writers, such as using "power" and "flower" as dissyllables, and employing some words like "strakey" and others, but they hardly deserve mention. The comparison that has been made between this work and that of the great dramatists is not at all a vagary of exaggerated enthusiasm. The last but one of the extracts, marred as it is by losing its congenial setting, shows a Shakespearian accumulation of impressive lines which are not produced by struggling after appropriate "word-painting," which well defines a fashionable literary affectation, but always inspired and controlled by complete naturalness. Towards the end of the play we have often the very words of the Bible retained or but slightly altered to fit the metre.

With one more extract we close; this is taken from the prologue to Act II., which describes the journey across the desert of the Egyptians, carrying Joseph with them: —

> "But though the camp still slumbers undisturb'd,
> 'T is not for long this sweet oblivion,
> For the vex'd guard who rocks him to and fro
> On the uncertain balance of his spear,
> At odds with sleep, with eyes weigh'd down, subdued,
> Whose sense of hearing lingers on the edge
> And painful confines of half consciousness,
> And blendeth with its fading powers: — a noise
> Like a loud whisper hangeth in the air!
> As it approaches nearer it becomes
> Like the north wind when rushing through the trees,
> Thence to a roaring and a hissing sound
> As when the storm makes havoc in the sails
> And cordage taut of some betossèd ship,
> In answering discord to the ruthing waves;
> Now he looks up, behold, in darken'd space,
> As a huge dragon stretching many a rood,
> The birds of night as blended into one,
> In the obscurity themselves have made,
> Bent on their measur'd migratory flight,
> Wing their slow way across the desert sands,
> Aweary of the forage they have left,
> Shunning the inhospitable Dead Sea shore,
> Where fish nor fowl make willing residence,
> Shaping their course with oblique certitude
> Towards the ever-teeming fruitful Nile.
> And now the advance guard wheels above the camp,

Sweeps a wide circle and descends more near,
With a prolong'd and simultaneous cry,
Gives notice to the myriads who respond
With deafening clamor warping on the air,
Rise higher and hold on their safer course."

Those who feel that the quotations do not justify the praise given to the book, will yet, it is to be most earnestly hoped, read the whole poem, when they will see how unsatisfactory are fragments, how inarticulate is even the warmest praise.

We cannot conclude without expressing real reverence, which will be shared by all lovers of poetry who will look at this volume, for the author who at last receives the glory earned half a century ago. It is impossible to give up the hope that during this time his pen has not been wholly idle, and that we may yet have more delight of this sort. Our thanks are also due to Mr. Swinburne for what he has done in rescuing this masterpiece from its undeserved oblivion.

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8. — *The Life of James W. Grimes, Governor of Iowa*, 1854–1858; *a Senator of the United States*, 1859–1869. By William Salter. New York: D. Appleton & Co. 1876.

Senator Grimes owes his national reputation chiefly to that act of his life which exposed him to the bitterest criticism by political friends, and which closed his political career. "Foremost," in the words of his biographer, "in discerning the peril that threatened the land in the impeachment of President Johnson, the nation owes its escape and safety at that crisis to him more than to any other one man." No one who takes this view of Mr. Grimes's action can be without interest in the record of his life and opinions, which is contained in Mr. Salter's volume.

This record is, for the most part, left to speak for itself, the biographer adding to the correspondence and speeches little more than necessary words of connection or of explanation, and sparing us anecdotes of childhood and fulsome eulogies. In giving, not opinions ready made, but the materials out of which to form our own opinions, and in retaining among those materials judgments that time has not justified, or that many will disagree with, and expressions that spring from the less admirable traits of character, Mr. Salter has done exactly what would have pleased Mr. Grimes, who despised twaddle, and liked to be rated at his exact value. Sometimes, in his anxiety to make the record complete, the biographer has inserted

speeches on comparatively unimportant matters, or has repeated ideas already sufficiently expressed; and sometimes he has failed to explain obscure references: but, on the whole, the work is satisfactorily done.

Mr. Grimes belonged to a class of public men, happily not yet extinct, but peculiar to the earlier days of the Republic rather than to ours. Gifted with no extraordinary intellectual powers, armed with few of a scholar's weapons, with little taste for the ornamental part of life, he was pre-eminently a man of character. His courage, his integrity, were without a flaw; his good sense was rarely at fault; his energy was only limited by his physical endurance. He scorned those who truckled to power or to party, who gave or accepted bribes of any kind, who could be shaken from a purpose by any winds of doctrine. He prized action above speech, speech straight to the point above speech rhetorical, and speech to the audience nominally addressed above speech to the galleries or the newspapers. He had no patience with declamation or sentiment, with tortuous policy like that of Mr. Seward, with long delays like those of Mr. Lincoln, with sounding manifestoes like those of Mr. Stanton. Mr. Chase, who had been his leader in early life, — so far as he had a leader, — fell from his esteem, never to recover it, the instant he was tried at a critical moment and found wanting. With Mr. Fessenden, on the other hand, his friendship, as manly and tender as any in political history, strengthened with his strength, because in him — despite marked differences of temperament — he found a kindred spirit. They stood side by side during the dark days of the war, and during the dark days of the impeachment of President Johnson; they foresaw the still darker days that have since come upon us; and they were alike fortunate in dying when they did. Their last letters to each other are characteristic.

[Mr. Fessenden to Mr Grimes.]

"Portland, August 8, 1869.

"I shall be a candidate; for duty to myself and the State requires it of me. If money is to be used, be it so. It will not be used by or for me. I will have no hand in corrupting legislative morals. If elected at all, it must be on my merits, and because the people so decree. For corrupt and corrupting honors, I have no desire. My hands are clean thus far, and I mean to keep them so. Any but an honest and high-minded people I have no desire to serve."

[Mr. Grimes to Mr. Fessenden.]

"Aix-les-Bains, Savoy, August 31, 1869.

"Perhaps you have observed that I have resigned my place in the Senate. The truth is, the place has become irksome to me. There are so many men

there with whom I have not and never can have a particle of sympathy, so much corruption in the party with which I would be compelled to act, so much venality and meanness all around, that, aside from my ill-health, I had about made up my mind that the Senate was no longer the place for me..... I regret to leave on your account, and on Trumbull's. I have just counted the Senators over, and find that I leave seven men there who were members when I entered the body.

"But if you are going to be as virtuous as you say you will be, you will not be re-elected to the Senate. Why, the war has corrupted everybody and everything in the United States. Just look at the senatorial elections of the last winter! They were all corrupt. It is money that achieves success in such affairs nowadays. Thank God, my political career ended with the beginning of this corrupt political era!"

Mr. Grimes was born in New Hampshire in 1816, and educated at Dartmouth. In his twentieth year, he built himself a lawyer's office at Burlington, then included in "The Black Hawk Purchase"; and Burlington was his home until he died. The population of what is now the State of Iowa was, in 1836, 10,531; in 1870 it was 1,188,207. "Here," writes the young man within six months of his arrival, "is a fine field for any one who has industry, prudence, and economy, or a speculating turn. —— is better fitted for the Eastern country than the Western. He is, if I mistake not, wanting in an essential requisite, energy of character. One must be a driving, bustling person to take well in this country, and must look out for himself, putting not much dependence on any one."

Mr. Grimes, having in large measure that energy which he calls the essential requisite to success, got on fast in his profession, and also in politics. He was appointed city solicitor before he was twenty-one; the next year he served as chairman of the Judiciary Committee in the first legislative assembly of the Territory of Iowa; in 1840, he stumped the Territory for General Harrison, and would have been sent to Congress, had he been old enough. "I could have had a unanimous nomination," he writes to his father, "if I had seen fit to accept it. Indeed, it was pressed upon me, and I was obliged to come out and tell them that I lacked a year of being eligible."

During the ensuing thirteen years Mr. Grimes gave much of his time in and out of the Legislature to the promotion of the interests of his adopted Territory and State, — advocating the construction of plank-roads and railroads, presiding over educational conventions, assisting in the establishment of charitable institutions, delivering addresses on temperance and horticulture, editing an agricultural paper, making his energies felt in every direction.

In 1854 Mr. Grimes was nominated for governor of the State by

the Whigs, and was supported by the Free-Soil party. In his letter accepting the nomination, he struck the keynote of the campaign. "With the blessing of God," he says, "I will *war, and war continually* against the abandonment to slavery of a single foot of soil now consecrated to freedom. Whether elected or defeated, — whether in office or out of office, — the Nebraska outrage shall receive no 'aid or comfort' from me."

Up to this time, the political record of the State was all the other way. "Iowa," said one of her senators in this same year, "is the only free State which never for a moment gave way to the Wilmot Proviso." Alexander H. Stephens had declared that in fifteen years Iowa would be a slave State; and Senator Butler of South Carolina had proclaimed the superior value to her of a laboring population of slaves over one of Germans and Irish. She was bounded on the south by Missouri; and if another slave State were to be established on the west, she would be in imminent danger of fulfilling Stephens's prophecy, especially as her population on the line of the Missouri had strong sympathies with their slaveholding neighbors. In short, the Kansas-Nebraska question was, so far as Iowa was concerned, a question of life or death.

"This battle I fought," writes Mr. Grimes after the election, "nearly alone. My colleagues on the Congressional ticket were deadweights; one of my colleagues on the State ticket declined, because I was too much of a Free-Soiler; and I had 'The Burlington Hawkeye,' a professedly Whig paper, and the whole *silver-gray* interest against me."

"When I came here," he writes from Glenwood during the canvass, "I found that the population is entirely Southern. My friends were tender-footed, and did not wish me to denounce the Nebraska infamy. I did not tell them what I would do, but when we met in the court-house, I told them that the principles I maintained on the Mississippi River I should maintain and express just as boldly on the Missouri River. I then discussed the subject an hour, and pleased both my friends and enemies. They all saw that my principles did not change with a change of latitude, and they applauded me to the skies."

As usual, "that other wisdom whose name is courage" was triumphant. Mr. Grimes carried the State by nearly 2,500 majority in a total vote of 43,594, and the "tender-footed" county by 22 majority in a total of 332. "Your election," writes Salmon P. Chase, two years afterwards, "was the morning-star. The sun has risen now."

In his inaugural message Governor Grimes laid down the principle that "it is only by an entire disconnection of the General Government from the institution of slavery, that the people of the free States can

find safety and honor." "It does me good," writes Mr. Chase, "to think that a New Hampshire boy, and a governor of a Western State, will have the honor of being the first to lay down the great principle on which the slavery question must be finally settled, if peacefully settled at all." "This issue," writes Mr. J. R. Giddings, "cannot be withstood in any free State; it will overwhelm all opponents in every free State."

Governor Grimes's administration of the State affairs was marked by his characteristic energy and public spirit. To all the measures, educational, charitable, or reformatory, which he had advocated as a private citizen, he lent the aid of the Executive. The public schools, the hospitals for the insane, the railroads, the cause of temperance, felt his influence. Whenever he could speak or act for freedom, he did so with judicious courage. If, in a word, the record of Iowa, whether in war or in peace, will bear a favorable comparison with the record of any of her sister States, to Mr. Grimes as much, at least, as to any other one man the merit is due; for no one did more to lay the foundations of the rising Commonwealth upon a solid basis.

At the expiration of his four years' term of service as governor he was elected to the Senate of the United States, taking his seat March 4, 1859, and occupying it for ten eventful years. He was emphatically a useful Senator. His practical sagacity and untiring energy expedited the public business, both in the committee-rooms and in the Senate Chamber. He made few set speeches; but he often took part in debate, and rendered essential service in assisting to perfect the details of many measures. His face was set resolutely against all forms of political dishonesty, from subsidies to private bills; and no lobbyist ever spoke to him twice.

As chairman of the Committee on the District of Columbia, he reformed many abuses, both those that had been part and parcel of "the peculiar institution," and those that some unfortunate appointees of President Lincoln had created or confirmed. His exposure of Marshal Lamon's management of the jail, and his successful contest with the Executive in that matter, would have made another man's reputation as a philanthropist. Not content with destroying the relics of barbarism, he initiated various measures looking to the transformation of the District into a free and civilized community.

As chairman of the Naval Committee, he rendered still more important services to the country. By daily conferences with Assistant-Secretary Fox, by frequent communication with the heads of bureaus and the principal commanding officers, he acquired knowledge rarely possessed by a landsman, familiarized himself with all that was going

on or that was projected by the navy during the war, and was enabled to repel unjust attacks upon it, and to make the Senate and the country understand and appreciate its great services.

In the conduct of the war Mr. Grimes was not content to make haste slowly. He early proclaimed himself in favor of a conscription, of confiscation, of emancipation. He was indignant with President Lincoln for annulling Fremont's proclamation in 1861, and generally "disgusted with the course of the Administration" that year. In April, 1862, he denounced the surrender of slaves by our generals, and demanded the enlistment of colored troops. "It is nonsense," he writes, July 29, 1862, "to attempt to frighten the masses by the story that rigorous measures will 'nail up the door against reconciliation of contending sections.' We have too much at stake, the Government is of too much value, too much of the best blood of the nation is calling to us for vindication, to justify us in neglecting any methods to put the rebellion down known to civilized warfare."

Mr. Grimes's temperament did not fit him to sympathize with the prudent and far-seeing policy of President Lincoln, or with the cunning diplomacy of Secretary Seward; but, on the other hand, his strong sense prevented him from adopting the wild suggestions of the Committee on the Conduct of the War, — appointed though it was, as he must often have regretted, on his motion, — or from sharing the morbid dreams of the authors of the Freedmen's Bureau.

To the Presidency of Andrew Johnson Mr. Grimes looked with forebodings. "He is loyal enough," he writes the day after Mr. Lincoln's assassination, "but he is a man of low instincts, vindictive, violent, and of bad habits." These apprehensions were soon justified; but from the first Mr. Grimes looked with disfavor upon the remedy of impeachment. He writes to his wife: —

"Washington, March 12, 1867.

"The impeachment project is subsiding; it being the almost universal opinion that, while the President has been guilty of many great follies and wickednesses, he has not been guilty of those overt, flagrant, corrupt acts that constitute 'high crimes and misdemeanors,' and make an impeachable offence; and that it is not worth while to establish an example which might result in making ours a sort of South American republic, where the ruler is deposed the moment the popular sentiment sets against him. We have very successfully and thoroughly tied his hands, and, if we had not, we had better submit to two years of misrule, which is a very short space in the lifetime of a nation, than subject the country, its institutions, and its credit, to the shock of an impeachment. I have always thought so, and everybody is now apparently coming to my opinion."

Mr. Grimes held the same views and expressed them with the same freedom, when, a year later, the party then dominant in Congress resolved to impeach Mr. Johnson. He thought the construction of the law which the President was accused of having violated to be at least open to question; and he failed to find evidence of that criminal intent on the part of the accused which would justify conviction. He believed that the nominal accusation was, with some of those that made it, little more than a pretext for getting rid of an unpopular President, and with others a means of foisting themselves into power for the residue of his term, and, as was hoped, for the term to succeed as well. He believed that both the immediate and the remote consequences of conviction would be far more dangerous than anything to be apprehended from the continuance of Mr. Johnson in office for a few more months.

Entertaining these opinions, believing that in his judicial capacity he had no right to convict, and that in his legislative capacity he would, in voting for conviction, support a measure in the highest degree inexpedient, he could not have acted otherwise than he did. It was possible for other senators, who privately agreed with his views, to oppose them publicly for personal or party reasons. Some had hopes, others fears, that controlled their action. It is not every man that can stand four-square against all the winds that blow.

By the winds that blew in Washington during the three months of the trial, a man of ordinary courage might easily have been daunted. No one who was not there, no one who has not practically engaged in politics, can understand how much the three men whose "not guilty" saved the nation from a great peril had to resist. To stand up against an opposing party, however violent its attacks, is comparatively easy: but to be made to feel that you are considered a traitor, both to your political friends — those who have held up your hands in the hour of trial, and to whom your success is largely owing — and to the principles you were elected to serve; to be called a lost leader, who

> "alone breaks from the van and the freemen";

to receive by every mail scores of newspapers, which have hitherto supported you, but are now your bitterest assailants, and scores of letters from people whose good opinion you value, full of the strongest expressions of hope that you will do their right, not yours, or from people whose influence upon your future is powerful, full of threats that they will destroy it; to meet scarcely a man who does not advise you to act contrary to your own judgment; to be con-

stantly in contact with those with whom you have fought side by side many political battles, but with whom you are no longer in sympathy; to feel, in a word, all the currents of public opinion which have thus far helped you on in your career now setting against you,— such things as these it requires unusual courage to meet. Such a trial Mr. Webster passed through after his 7th of March speech; and such a test was successfully endured by Mr. Grimes, though not without a great strain on his powers of endurance, as was evinced by the stroke of paralysis by which he was prostrated two days after he delivered his opinion that the President had not been guilty of an impeachable offence. Eighteen months afterwards he writes from Glion, Switzerland: —

"Sitting here calmly, and reviewing my whole course, I have no hesitation in saying that I regard that act for which I have been most condemned, my vote on the impeachment trial, as the most worthy, the proudest act of my life. I shall ever thank God that in that hour of terrible trial, when many privately confessed that they sacrificed their judgments and their consciences at the behests of party newspapers and party hate, I had the courage to be true to my oath and my conscience, and refused, when I had sworn to 'do a man impartial justice according to the Constitution and the laws,' to do execution upon him according to the dictation of the chairman of the Republican Congressional Committee, or the howlings of a partisan mob. I would not to-day exchange the recollection of that grasp of the hand and that glorified smile given me by that purest and ablest of men I ever knew, Mr. Fessenden, when I was borne into the Senate Chamber on the arms of four men to cast my vote, for the highest distinction of life. Yet we had no desire to save Johnson as Johnson; I wanted to save my own self-respect and my oath, and I wanted to save the country from the wild, revolutionary career upon which the party was entering."

After his return from Europe Mr. Grimes lived quietly at Burlington until his sudden death, from heart disease, February 7, 1872.

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9. — *Chips from a German Workshop.* Volume IV. *Essays chiefly on the Science of Language.* By F. Max Müller, M. A. New York: Scribner, Armstrong, & Co. 1876.

The fourth volume of "Chips from a German Workshop" will be found inferior in interest to none of its predecessors, and, owing to the diversity of the subjects discussed, will perhaps attract even more general attention than any of them. Although most of the articles have been printed before, they are now for the first time brought to-

gether in an accessible form, after having undergone such revision as the author may have been led to make, either in consequence of the criticisms of others, or of further investigations of his own. In addition there is a good deal of supplementary matter in the shape of notes and of replies to objections that have been brought against the views contained in certain of the lectures as originally delivered.

Necessarily, many of the topics treated are not of a nature to be discussed by any except professional linguistic students; yet the work as a whole contains much that will make it of value to every man of letters. It is marked by the merits which even to the most superficial observer are conspicuous in all Müller's productions. Clearness in the expression of ideas, even when the ideas themselves are not very clear; fertility and attractiveness of illustration; a certain felicity of style which gives interest to even the driest subject;— these are as fully apparent in this last volume as in any one of the preceding. Along with them are displayed the defects which have come more and more to characterize Müller's later writings, inaccurate statement of fact, hasty generalization, a disposition springing perhaps from an inherited poetic temperament, to build up showy and startling theories, which, however plausible at first sight, are usually found to have no basis of accurate and far-reaching investigation upon which to rest. In one of his earlier volumes he introduced with approval a quotation from Sir David Brewster, "that as an instrument of research the influence of the imagination has been too much overlooked by those who have ventured to give laws to philosophy"; and in speaking of the title of Indo-Germanic, which Frederick Schlegel applied to the languages of the family to which we belong, he himself observed that "when a new science is to be created, the imagination of the poet is wanted even more than the accuracy of the scholar." With certain limitations this is unquestionably true doctrine; at the same time it is dangerous doctrine; nor can we think that its utterer has entirely escaped from the perils which attend it. In the business of manufacturing new sciences, which Müller has largely entered into of late years, the disproportion between what is built upon poetic imagination and what upon accurate scholarship, has been gradually growing greater and greater; and he shows at times a disposition to forget that a new science, in order to stand, must have some foundation of fact, no matter how gorgeous may be the superstructure which the imagination erects. There has been, and is, in consequence, a steadily growing distrust of many of the theories which he puts forth; and of this he himself is evidently conscious from the apologetic tone in which he frequently defends them, and sometimes, it must be said,

explains them so thoroughly as practically to explain them away entirely. But whatever may be thought of the correctness of his views, no one can question his power of making them attractive. Granting, even as a German critic has lately said, that they are now usually quoted only in order to be contradicted (*er fast nur mehr zitirt zu werden pflegt um wiederlegt werden zu können*), the fact still remains that a literary skill, very rare in his native country, and not often equalled in his adopted one, has enabled him to put the claims of linguistic science in the most effective light before the whole educated public, and to make the science itself an object of interest to every intelligent man.

Nowhere, indeed, do Müller's characteristic excellences appear to better advantage than in the opening article of the volume, which is the lecture delivered by him in 1868 before the University of Oxford on the value of Comparative Philology as a branch of academic study. The statement of the benefits to be derived from it is not only clear and convincing in itself, but is enforced by suggestive illustrations; and the address is moreover remarkable for its vigorous protest against the degradation of the fellowships of the English universities into mere sinecures, which most of them have now come to be. The warning contained in it is not unworthy of attention in this country, especially at this time when men are founding fellowships with very vague ideas of what they are doing it for, and other men are receiving them with no apparent consciousness of any definite duty imposed upon them by that fact beyond the drawing of the income. Somewhat less popular in its character, but even more attractive to linguistic students, is the second article in the volume, which is the Rede lecture on the Stratification of Language, delivered in the same year as the preceding, before the University of Cambridge. It is followed in this work by a second part, in which he replies briefly to a criticism of Professor Pott, and combats very fully, and as it seems to us very strongly, the theory of Curtius, that there are seven periods in the development of the Aryan languages. These Müller reduces to three. We notice, in passing, that in discussing the termination *ard*, he still retains in the text the statement made in the lecture as first delivered, that, "in English, *sweetard*, originally very sweet person, has been changed or resuscitated as *sweetheart*, by the same process which changed *shamefast* into *shamefaced*." The assertion strikes us as incapable of being maintained, though its incorrectness, it must be added, interferes in no way with the strength of the argument it is designed to illustrate, and we only speak of it because Müller's authority has given it wide popular currency. He himself, indeed, in a note, now

declares that he feels some doubt in regard to it, more especially as Mr. Skeat has written him that the form used in Middle English is not *sweetard*, but *sweeting*, and refers him to the romance of "William of Palerne," written about the middle of the fourteenth century, in which the latter word appears four times. That poem, it may be said, furnishes pretty positive proof of the incorrectness of the derivation above given. *Sweeting* not only occurs in two other instances besides those mentioned by Mr. Skeat (lines 3095, 3104), but, what is far more conclusive, the form *swete hert(e)* is found several times, as in lines 1550, 1869, 2224, and 2559; and along with it, as if to make assurance doubly sure, corresponding forms, such as *dere herte* (lines 1538, 2342) and *derworth herte* (line 2585).

The article in the volume which attracted the most attention at the time of its appearance was the lecture on Missions, delivered in December, 1873, in Westminster Abbey. Along with it is printed here the sermon preached the forenoon of the same day by Dean Stanley, in which his reasons are given for inviting a layman to speak on that subject at that time and in that place. We know of no better epithet by which to describe this lecture than to call it queer; which perhaps it might properly enough be, as all the circumstances connected with it were of that nature. In using this adjective we are not thinking of the division which Müller makes of the six religions of the Aryan and Semitic world into Missionary and Non-missionary; but of the curious blending of science and sanctimony that runs through the whole address. In a postscript to this article, entitled "On the Vitality of Brahminism," he defends his classification and his remarks upon that particular religion against the attack made upon them by Mr. Lyall in the "Fortnightly Review" for July, 1874. Without entering into a consideration of the merits of the question, the division proposed by Müller seems to be of the kind of those made in such haste that it takes all of one's leisure to support or explain them. It is certainly dangerous to argue from the present condition of a religion as to its missionary character in the past; it is almost impossible to believe that a religion like Brahminism, confessedly including at the least one hundred and ten millions of souls, should not at some time in its history have been animated by the spirit of proselytism, using that word in its ordinary and not in its purely etymological sense. But it is not so much the matter of the lecture that will surprise most readers as the manner. How any one could have objected to it on religious grounds is a wonder. The tone throughout is of the conventional orthodox pattern, and the reflections are generally so far from startling that they would nowhere find them-

selves in more congenial companionship than among the "Graver Thoughts of a Country Parson."

Besides these we have noticed there are three other lectures included in this volume, one on the Migration of Fables, interesting as far as it goes; one on the Results of the Science of Language, delivered at the University of Strasburg; and the address before the International Congress of Orientalists at London in 1874. The general articles conclude with a Life of Colebrooke, which originally appeared in the "Edinburgh Review." This is a just and even glowing tribute to a man little known outside of special circles, but whose eminent services and great abilities fairly entitle him to the distinction of being what Müller calls him, "the founder and father of true Sanscrit scholarship in Europe." It would have been well if with this article the volume had closed.

We come now to what is certainly the most disagreeable part of our task, an examination of the two last articles, entitled respectively "My Answer to Mr. Darwin," and "In Self-Defence." The former appeared first in the "Contemporary Review" for January, 1875 (with characteristic carelessness Müller says in the text, November, 1874); the latter is entirely original in more senses than one. They are in the nature of a violent personal attack upon a leading American scholar, and are in many ways the most peculiar productions that have ever come from the author's pen. Controversies of this kind, always painful, have this special difficulty about them, that from the character of the subjects involved they can never be examined upon their merits save by few; and there are always old women enough connected with literature who can be trusted in such cases to invariably clamor for peace, whether founded upon justice or not, because it is inconceivable to them that anybody can take an interest in matters which they themselves are unable to comprehend. On the contrary, holding the views we do, we are not in the least disposed to condemn Müller for defending himself if he felt aggrieved. Conceding the right, however, the method in which he does it, and the means by which he does it, must be subjected to the strictest scrutiny: and, after a careful investigation, we are reluctantly compelled to say that such a scrutiny is the very last thing that these two articles can bear; that, beyond anything that Müller has written, they are of a kind to grieve his friends and gladden his enemies. Many of the statements contained in them are such, indeed, as can only be excused on the ground of a carelessness culpable in any one, but in a scholar little less than criminal; we shrink from saying that they are due to deliberate design. This is a point

which we hope to make plain to the most careless reader. Although many of the charges have been ably and satisfactorily answered in other quarters, there is a special propriety in the discussion of the subject by us, because much of the adverse criticism of which Müller complains originally appeared in this periodical. Indeed, as he specifically mentions it, and insinuates that he expects to be reviewed in it, the least that we can in justice do is, to take care that he shall not be disappointed. For the convenience of readers, references will be given to both the American and English editions of this last volume.

The immediate occasion of this particular controversy was the publication in the "Contemporary Review" of November, 1874, by Mr. George Darwin, the son of the naturalist, of an abstract of an article by Professor Whitney, which had appeared in this Review in July of that same year, under the title of "Darwinism and Language." It was followed by articles in the same magazine both by Müller and Whitney, and these were republished, with some modifications, in Germany in the *Deutsche Rundschau.* Up to this time it appears, from his own statement, that, in a literary life of more than twenty-five years, Müller had never been personal. He believed, justly, that the cause of truth was never advanced by public controversy (p. 465 [482]); and to truth, we are assured by him, he has been and is so deeply devoted that whosoever serves in the noble army for the conquest of it, "whether private or general, will always find in him a faithful friend, and, if need be, a fearless defender" (p. 531 [549]). Actuated by such feelings as these, he never, for years, noticed "the intentional rudeness and annoyance" (p. 527 [544]) of the American professor; though our admiration for his long self-restraint is, in a measure, tempered by the information which he communicates in other places (pp. 421, 466 [437, 484]), that he has never read until lately the writings in which this rudeness and annoyance are found; and, indeed, is somewhat indignant still that he should be expected to read them before replying to them. But magnanimity cannot be kept up forever, even in the patient endurance of rude and arrogant criticism which one does not read. There is a duty owing to those whose good opinion is valued to repel unjust attacks, in this case owing to Mr. Darwin, Professor Haeckel, and others (p. 528 [546]); and in self-defence Müller retorts with language which he confesses "sounds very harsh" (p. 524 [542]), and which is certainly violent enough to compensate fully for an enforced self-restraint of even more than twenty-five years. That he has gone so far his partisans already deplore; and we think that

he himself, when he comes to consider the matter, will regret that his first essay in public controversy should have been couched in such a tone as to give the impression that it was inspired not so much by a desire to discharge a duty as to gratify a spite.

Into a consideration of the fundamental differences of opinion between the two scholars there is not the time, nor is this the place for us to enter; and we shall speak only of the direct charges which Müller has brought against Whitney of misrepresentation, of indulgence in personalities, and in particular of having been guilty, while pointing out the errors of others, of making gross blunders of his own. The charge of misrepresentation is ordinarily a difficult one to meet. An author certainly has the right to explain his own meaning, and can only be held, in a measure, responsible for the inaccurate impression which ignorance or carelessness may have caused his critic to receive. If the interpretation which he gives can be legitimately made out from his words, it is hardly a sufficient reply that the interpretation of his opponent can also be deduced from them. At the same time it is manifestly most unfair that he should appeal to later writings, in which the original statement is modified or entirely changed, as a defence against criticism made upon the original statement itself. Yet it is to this that Müller is obliged to resort to make good his charge of misrepresentation. One marked illustration of this, the use of the terms *surd* and *sonant*, we do not care to examine here, on account of its technical nature; but it will fully serve our purpose to cite one of a more popular character, which is incidentally referred to by Müller himself in this volume, and in those terms of satisfaction which a man uses who feels that he is clearly in the right. That we may not be accused of doing him an injustice, we shall quote the exact words, both of the original statement and of the explanations subsequently appended. The former, expressing his views on the origin of language, occurs in the ninth lecture of the first series of his "Lectures on the Science of Language," delivered originally in 1861. In this lecture he attacked in succession the theory that roots are imitations of sounds, and the theory that they are involuntary interjections. The one he called the Bow-wow theory, the other the Pooh-pooh theory. After examining and rejecting both, he went on to give his own explanation in the following words, which we reproduce verbatim: —

"And now I am afraid I have but a few minutes left to explain the last question of all in our science, namely, How can sound express thought? How did roots become the sign of general ideas? How was the abstract idea of measuring expressed by *mâ*, the idea of thinking by *man*? How

did *gâ* come to mean going, *sthâ* standing, *sad* sitting, *dâ* giving, *mar* dying, *char* walking, *kar* doing?

"I shall try to answer as briefly as possible. The four hundred or five hundred roots which remain as the constituent elements in different families of languages are not interjections, nor are they imitations. They are *phonetic types*, produced by a power inherent in human nature. They exist, as Plato would say, by nature; though with Plato we should add that, when we say by nature, we mean by the hand of God. There is a law which runs through nearly the whole of nature, that everything which is struck rings. Each substance has its peculiar ring. We can tell the more or less perfect structure of metals by their vibrations, by the answer which they give. Gold rings differently from tin, wood rings differently from stone; and different sounds are produced according to the nature of each percussion. It was the same with man, the most highly organized of nature's works. Man, in his primitive and perfect state, was not only endowed, like the brute, with the power of expressing his sensations by interjections and his perceptions by onomatopoieia: he possessed, likewise, the faculty of giving more articulate expression to the rational conceptions of his mind. That faculty was not of his own making. It was an instinct; an instinct of the mind as irresistible as any other instinct. So far as language is the production of that instinct, it belongs to the realm of nature. Man loses his instincts as he ceases to want them. His senses become fainter, when, as in the case of scent, they become useless. Thus the creative faculty which gave to each conception as it thrilled for the first time through the brain a phonetic expression became extinct when its object was fulfilled."

To this extract was appended a foot-note, which reads as follows: —

"This view was propounded many years ago by Professor Heyse in the lectures which he gave at Berlin, and which have been very carefully published since his death by one of his pupils, Dr. Steinthal. The fact that wood, metal, cords, etc., if struck, vibrate and ring, can, of course, be used as an illustration only, and not as an explanation. The faculty, peculiar to man, in his primitive state, by which every impression from without received its vocal expression from within, must be accepted as an ultimate fact. That faculty must have existed in man, because its effects continue to exist. Analogies from the inanimate world, however, are useful, and deserve further examination."

This is the so-called *ding-dong* theory. It will be found stated in these very words on pages 384 and 385 of the first American edition of the first series of lectures on the science of language. This edition is a reprint of the second and revised English edition, and was published in 1862. It will astonish the readers of the above extract to find that this theory is one which Müller has never held and has never advocated; and that men like Professor Whitney, who have

attributed to him a belief in it, have misunderstood him, even if they have not been guilty of misrepresenting him. In the Preface to the sixth English edition, published in 1871, he denied the charge in the strongest terms. "Though I have protested before," he says, "I must protest once more against the supposition that the theory on the origin of language which I explained at the end of my first course, and which I distinctly described as that of Professor Heyse of Berlin, was ever held by myself." The previous protest appears to have been made in the fifth English edition, which appeared in 1866. A copy of this we have not seen, but the Preface to it is included in the sixth edition. In that he speaks of having expressed himself more definitely and clearly in one or two cases where his meaning had been misapprehended even by "unprejudiced critics," and he refers directly to this point. "Thus in my last lecture," he writes, "where I had to speak of the origin of roots, I had quoted the opinion of the late Professor Heyse of Berlin, but I never meant to convey the impression that I adopted that opinion." As to the impression which Müller means to convey when he makes a positive statement, we confess we are beginning to have some doubt; as to the impression which the extracts cited above necessarily must convey, there can be no question. It is certainly unfortunate that in order to sustain his interpretation of what he now says he meant, he has been obliged to insert additions and alterations, which do not have so much the effect of making the meaning clearer as of changing it altogether. Thus, for instance, the sentence beginning the second paragraph quoted read originally, "I shall try to answer as briefly as possible"; in the late editions it has been expanded into "I shall try to answer as briefly as possible by showing, at least, what roots are not, which may help us to form some conception of what roots really may be." The language of the second paragraph quoted is, indeed, modified throughout, though very clumsily, in the lecture as it now stands; and a third paragraph is added, which begins with the statement that though there may be value in speculations of this kind, he would not like to indorse them. It may be well to remark, moreover, that the language of the foot-note has been changed, and that Heyse, who in the first editions was not of importance enough to be put in the index, is in the present editions elevated to a place of dignity there, as the author of this particular view of the origin of speech.

Facts like these need no comment. They speak for themselves. There is but one possible interpretation of the passage we have quoted, the interpretation which Whitney and everybody else, including "unpreju-

diced critics," gave it; unless, indeed, Müller has a monopoly of language, and can impose upon it any meaning he sees fit. It is no discredit to any man to change his opinions, especially on a subject like the origin of speech, about which, so far, the most ignorant of us knows full as much as the wisest, and neither of them can be said to know much. The real discredit is in the denial of having ever held opinions which one's own words, if they have any meaning at all, show clearly to have been once firmly held and earnestly advocated. We have gone into detail in this particular matter, we have furnished to the most doubtful every means of verifying or disproving our statements, partly because the subject is less technical than other points of difference involved in the controversy; but, principally, because it is a suggestive illustration of the method by which Müller makes out his charge of misrepresentation. Numerous examples of a like character could be offered. Thus he tells us (p. 475 [493]) that in discussing the subject whether language is a physical or an historical science, he finds, and, indeed, is "glad to find," that he can repeat every word he used fifteen years ago without a single change or qualification; and, to prove this, proceeds to quote a passage from the second lecture of his first series. The reader, however, will have an experience somewhat different from that of Müller. He will find, whether he is glad to find it or not, that the passage cited in this volume varies in one most important clause from the form in which it originally appeared. As quoted here, it ends with the declaration that "it is nevertheless through the instrumentality of man alone that language can be changed"; but as it was written fifteen years ago, this clause reads, "it is very difficult to explain what causes the growth of language," and so it will be found in the early editions. That there is a change in the words employed, most persons can be trusted to see; how important the change is, only those who have followed the discussion will see clearly. It is hard enough to contend with a loose thinker who frequently advances the most opposite views on the same subject, and who, in consequence, is enabled to defend himself against the critic, who has pointed out the errors contained in one passage, by referring to another passage in which an exactly contradictory view has been maintained. But the difficulty is increased tenfold, if he has the right to quote the changed expressions by which his earlier utterances have been modified or entirely altered in consequence of criticism, as a defence against the criticisms made upon the original utterances themselves, and upon this to build up a charge of misrepresentation.

Unfortunately, this is not the worst. Were the tables to be turned,

were the charge of misrepresentation to be made on the other side, how would Müller himself fare? In this point of view the result of any thorough examination will be found so astounding that the difficulty of belief will not lie in the nature of the proof itself, but in the reluctance which all high-minded men will feel in accepting the fact as proved. They will be disposed to think that here there must be some mistake; that a scholar of so great reputation and ability could never have been so short-sighted, to say nothing of other motives, as to do what is here asserted to be done. But the cases of positive misrepresentation are so numerous that the mind is embarrassed in selection by the very abundance: we shall content ourselves with one, not because it is the most flagrant, but because it requires no explanation of attendant circumstances. To make it perfectly clear, we give side by side the two following extracts, one representing what Whitney actually said, the other what Müller says he said: —

Whitney in the "Contemporary Review," April, 1875, p. 725.

"I do not think Professor Müller the person best qualified to judge me fairly, because, in the first place, owing to his great fertility as a writer, and his position as accepted guide and philosopher, beyond any other living man of the English-speaking people, I have felt called upon to controvert his views oftener than those of any other authority; and yet more, in the second place, because he does not appear to have qualified himself by carefully examining what I have written."

Müller in "Chips from a German Workshop," Vol. IV. p. 518 (535).

"I do not consider Professor Müller capable of judging me justly," he says. And why? "Because I have felt moved on account of his extraordinary popularity and the exceptional importance attached to his utterances, to criticise him more frequently than anybody else."

The most striking circumstance about this is that Müller not only perverts the plain meaning of the language he pretends to quote, but actually makes his own perversion the subject of an elaborate reply. He imputes to Whitney the expression of a denial of the competency of his opponent to criticise him, because the latter has been previously criticised by Whitney himself; a meaning which perhaps may be given to the words as they appear in "In Self-Defence," but certainly could never be got out of the article in the "Contemporary Review." The Oxford professor seems, indeed, to be profoundly impressed with the discovery he has made. He tells us that he has watched many controversies, has observed many stratagems, but has never seen any-

thing to equal this, — an opinion in which all who examine this discussion will be pretty certain to coincide, though not perhaps in the way he puts it. "Is not this the height of forensic ingenuity?" he says. "Because A has criticised B, therefore B cannot criticise A justly." To furnish an appearance of plausibility to this interpretation, it must be borne in mind that the extract found in the article, "In Self-Defence," is given as an exact quotation of Whitney's words, which it is not; and that, to mark it more distinctly as a quotation, it is put into a smaller kind of type. Looking upon it, indeed, simply as a mere summary of the sense, there is a broad distinction between speaking of a person as not being best qualified to judge one fairly, and of a person as not being capable of judging one justly. But letting these pass as matters of little moment, which they are far from being, what defence can be made for omitting the second and most essential part of the extract, and thereby giving to the mutilated sentence a meaning which its author never felt or expressed? Is this the conduct we are to expect from him who, though never belonging to a company of collaborators, is to be the faithful friend and fearless defender of every one who serves in the noble army for the conquest of truth? Is this method of argument sanctioned "by the still small voice of conscience within," with the silent approval of which Müller tells us (p. 525 [543]) no one would for one moment compare the applause of the many? Certainly if these are the ways in which the views of an opponent are represented, he can well afford to say that he is "not one of those who believe that truth is much advanced by public controversy."

We are far from wishing to charge that misrepresentations like that we have just discussed — and it is but one of many — are intentionally made: we prefer to look upon them as springing from a carelessness which here as well as elsewhere not unfrequently degenerates into actual slovenliness. But in the light of such facts, it would certainly have been well for Müller to give a little more heed to one opinion of Professor Whitney's, for which he has hardly language contemptuous enough to express his scorn. Again and again he returns to it in the course of his defence. It seems that the latter labors under the impression that if the former undertakes to controvert his views, there is a sort of obligation resting upon him to make himself well enough acquainted with the writings under discussion to know what the views controverted really are. To any such requirement as this Müller takes emphatic exception. He apparently feels that the American author is appealing to a mere vulgar prejudice that the man who criticises a book ought to be expected to read it. In

that sphere of controversy, which in these articles Müller seems to have made peculiarly his own, notions such as this have been long exploded. There it is that the imagination of the poet comes into play, and not the accuracy of the scholar. At the same time, it must be admitted, that this method, though usually working well, has occasionally its disadvantages. From it arose, among others, the blunder, now become somewhat notorious, which led Müller to assert that Whitney had derived *light*, *alight*, and *delight* from a common source, when the point actually made was that they were one of many illustrations of the fact that it gives men no trouble to effect a separation in words which from their resembling one another closely in form would seem according to the usual analogies of language to stand together in a near relation of meaning. It is true that since the publication of his book, the Oxford professor has admitted his mistake; and the letter in which he makes the acknowledgment of it shows clearly that it was not, as it seemed to some, an intentional falsification, nor a misapprehension arising from careless examination. But what are we to think of the mental habits of the man who can make a mistake of this character; who not only makes it, but lays so much stress upon it that he puts forward his own careless misapprehension as a reason for not reading any further; and who returns to it again at the end of his defence, and inserts it as one of the twenty points of simple matters of fact which a jury of scholars is to be called upon to decide? But what erroneous impressions such reckless perversions of meaning, whether intentionally or blunderingly made, must necessarily convey to the mind of the ordinary reader, can easily be inferred when even so acute and fair-minded a scholar as Professor De Gubernatis accepted at first this statement on Müller's authority, though as soon as his attention was called to the original he at once confessed that he had been led into error.

A large share of Professor Müller's article "In Self-Defence" is taken up with a selection of quotations, or quasi-quotations, from Professor Whitney's writings, to sustain against the latter the charge of being grossly personal. These are given under the heading of *Epitheta Ornantia;* and even in the fragmentary form in which they are found there, it is evident that they were used, not to characterize individuals, but the opinions expressed by them. But necessarily the element of fairness and truth is left out of a controversy, when words and phrases are thus violently wrenched from the modifying context and put forward nakedly by themselves. The reader who, in this particular case, wishes to compare Whitney's words with the travesty that Müller gives of them, can find a simple illustration in

the former's remarks upon Oppert, as they appear in the first series of Oriental and Linguistic Studies (p. 237), and as they appear in the volume we are reviewing (p. 515 [533]); but this is only one of numerous instances. By the method of argument used in these cases, there would be little difficulty in proving the Bible not a fit book to be read aloud in a respectable family. And, for that matter, in all controversial discussions something must be allowed for the temperament of the individual. Some men are by nature caustic in criticism; as regards the effect produced upon the public, it is a hindrance and not a help. Müller himself is of a genial temperament; on principle he has always avoided controversy. In this work, for instance, with that calmness and self-restraint which characterizes the man who is unwilling to say anything personal or offensive, he deplores the inability of Professor Whitney to comprehend "what is real criticism and what is mere banter, personal abuse, and rudeness" (p. 504 [522]); and in the spirit of such "real criticism" as distinguished from "personal abuse," further designates him as "a gentleman who had acquired considerable notoriety, not indeed by any special and original researches in Comparative Philology, but by his repeated attempts at vilifying the works of other scholars." To the ordinary man a person thus generally described would seem sufficiently discreditable of himself, without needing a hundred pages and more to be devoted to his annihilation; especially by him who takes the pains to assure us over and over again that he has been careful not to read, until very lately, the writings in which this vilification is found. "But what could I do?" says Müller, almost plaintively. He complains that he has been severely assailed. But inasmuch as he has in consequence modified many of his previous statements, inasmuch as he himself confesses that, in some cases, he had gone too far in the expression of his opinions, he must admit that there was some ground for attack; and he can hardly venture to claim that it has been directed against him as a man and not against his views as a scholar. It may perhaps strike some, indeed, that Müller's own ideas as to what constitutes "real criticism" are somewhat peculiar. According to his theory, to call a man's arguments futile and absurd, is the height of personality; but it is perfectly proper to stigmatize a band of scholars as forming together by a childish arrangement an International Sanskrit Insurance Company, singing each other's praises in the literary journals of Russia, Germany, and America, and speaking slightingly of all who have not joined them. This, we suppose, is the impersonal and high-polite way of talking of the foremost scholars in one's own

department, by him who has clear ideas of what is real criticism and what is personal abuse and rudeness; for this is the way in which Müller, in the columns of the "Saturday Review," as far back as March, 1864, spoke of the editors of the St. Petersburg lexicon and of its various contributors. As, however, this article originally appeared anonymously, he probably looks upon it as having nothing to do with "public" controversy.

Severity of criticism is, indeed, a matter of taste. It is frequently determined by circumstances of which the public knows nothing; and, where technical questions are involved, of which the public is incompetent to form an opinion. But in all controversy there is a question above that of taste. It is the question of morals; of the right which every disputant can claim that he shall not have words put into his mouth which he has never said; that he shall not have single words and phrases wrenched from their proper place so as to give the passage an entirely different meaning from what it was intended to convey. Carelessness may palliate Müller's conduct in this particular; it cannot wholly excuse it. And even granting its full weight to the plea of carelessness, what right had he to make the insinuation that Mr. Darwin, Jr., was prevailed upon to stand sponsor to Whitney's article? What right to repeat the charge, in another place, in words to the effect that the latter got possession of the pen of the son, fondly trusting that it would carry with it the weight of the father? As it turns out, the American professor knew nothing of Mr. Darwin's article till it appeared in the "Contemporary Review." Insinuations like this, equally untrue and unfair, are certain of returning to plague the inventor; for if they have no other effect, they inevitably lead to the suspicion in the mind of every reader who knows the actual facts, that the charge originates in a lively consciousness, drawn from personal experience, of the possibility of proceedings of this kind. Again, can the defence of even the most slovenly carelessness be made for the account given by Müller on page 527 (544) of his meeting with Professor Whitney, in which facts are perverted and dates disregarded to sustain a statement that he "could afford to forget" something which had certainly never happened then if it ever happened at all? Well may Oxford endow for him a chair of original research; for with an imagination like this, there seems to be no limit to the discoveries that can be made.

We have left ourselves no space to speak in detail of the charge of gross blunders made by the American scholar while correcting the blunders of others; and we can only remark that here also is the

usual unfortunate discrepancy between what Whitney actually writes and what Müller says he writes. Those of our readers who justly feel that assertions of this kind should never be taken upon trust, can easily compare the language attributed and the language really used, by looking up the references we give in three cases: first, on a point of Sanscrit grammar, page 490 (508), and "Oriental and Linguistic Studies," I. 138; secondly, on the derivative nature of the Phœnician alphabet, page 430 (446), and "Language and the Study of Language," pages 295 and 462; and, thirdly, on the writings of Burnouf, page 515 (533), and "Oriental and Linguistic Studies," I. 135 and 176 – 179. We specify these because they are all included in that curious collection of petty and important questions as to simple matters of fact which Müller in this work professed a great anxiety to submit to a jury of scholars, — a list which ends with almost feminine spitefulness with the final point to be adjudicated, whether Professor Whitney has occasionally been forgetful. It ought, perhaps, to be added here, that Müller sometimes makes the argument for his side seem more plausible by going to the German translations of the American scholar's words, and turning them back into English of his own; a proceeding which shows of itself the liveliest anxiety to get at the precise meaning of the author criticised.

It is with no feeling of pleasure that we have pointed out these glaring misstatements. The fall of a high reputation is never a matter to contemplate with satisfaction, nor are charges tending to produce it to be uttered lightly. We most certainly hope that Professor Müller will be able to furnish explanations which will save his honor as a man, even if in so doing he is obliged to sacrifice somewhat his reputation as an accurate scholar. And we can well believe that much can be accounted for by the habit of loose thinking and writing which has grown upon him as a result of the anomalous situation in which he has been placed. His position, indeed, has been one that would have been apt to turn a much stronger head. Early making England his home, he brought to the students of that country a realizing sense that there was something in language beside the writing of Greek and Latin verses. It was to them the revelation of a new religion. It was not that others had not before entertained and expressed the same ideas. He was the first to make them attractive and operative, — the first who united knowledge of the subject with the power of popular exposition, — who possessed the faculty of clothing the driest details with the freshness and interest of living reality. The apostle of a new faith, he became identified in that country with the faith itself; an attack upon him was looked upon as an attack upon it.

It would certainly have been strange, if the adulation of which he has been made the object, the indisposition to doubt, or the inability to contradict his most questionable utterances had not made him self-confident and careless. Secure in the ignorant and unsuspecting devotion of the English public, he felt himself for a long time under no necessity of taking any apparent notice of the severe sifting which his views were receiving in other quarters, though the bitterness of his late expressions shows how deeply the hostile criticism must have rankled. In Germany, where the respect paid to the linguistic views advanced by him as a scholar had long been sinking, he was still esteemed, and perhaps feared, as a man of letters; and the confidence felt in him in the latter capacity more than counterbalanced, until lately, the failing faith entertained for him in the former. But the voice of Germany, however potent, was practically shut out from the great mass in England by the difference of language; and it was only when a writer in his own tongue, and at last in the journals of his adopted land, gave utterance to the views which were widely held elsewhere, that he recognized the necessity of laying aside the pretence of indifference which could no longer be successfully kept up. The violence with which he now expresses himself, the recklessness with which he makes unsupported assertions, furnish convincing proof that he must have long bitterly felt in secret that his reputation in many respects was built upon insecure foundations; that the opinion of the men in his own department best competent to judge was sure in the end to prevail over the ignorant devotion of the most servile English journal; that felicity of expression could not forever hide crudeness of thought or give lasting life to ill-digested theories. But whatever be his failings, he has exercised a powerful influence both in England and in this country in favor of higher studies; and he owes it to the men who have been stimulated by his words, who have long been wont to look upon him as one of their foremost leaders, to clear himself, if possible, from the damaging suspicions which the peculiar character of the articles we have reviewed is certain to beget. The opportunity for that has already been once afforded; but while he availed himself of it to retract an interpretation whose falsity was apparent on its face, when once the context was seen, he failed to take the slightest notice of the far more serious charges demanding explanation which were brought to his attention at the same time and in the same place. It is a matter he cannot afford to neglect; nor is it to the student only, in his own department, that a defence is due. It will be no jury of three that will pronounce upon his conduct, but the jury of honorable men throughout Europe and America,

who may neither know nor care much about Sanscrit, but who do feel that the safety of truth lies not in repeating sounding phrases about it, but in honestly living up to it, even when dealing with one's opponents or enemies; who will forgive, even if they regret, warmth of expression, but will never condone intentional misrepresentation. To the arbitrament of that jury he must submit himself, whether he will or no; by its decision must he stand or fall, whether he choose to recognize the tribunal or not; and the sentence it pronounces upon his reputation will be carried out, however much friends may deplore it, or against it partisans protest.

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10. — *Life, Letters, and Journals of George Ticknor.* 2 vols. Boston: James R. Osgood and Company. 1876.

The memoir of Mr. Ticknor is an agreeable and well-written book, rather large, perhaps, for the relative importance of its subject. Mr. Ticknor's public services were rendered as Professor of Belles-Lettres at Harvard University from 1819 to 1835, as the author of a History of Spanish Literature, and as largely influential in founding and regulating the Public Library in Boston. He was a good and enlightened teacher of belles-lettres, acquainted with European universities as well as with European languages, and quite in advance of the views prevailing around him. His History of Spanish Literature is the work of one who loved his subject, and who brought the results of its long-continued and thorough study to put together a work which will not require to be done over again for some generations. As one of the Trustees of the Public Library, and especially as the confidential and trusted adviser of its founder, he showed the same knowledge and genuine love of books, and the same desire to make them acceptable to all who could use them worthily, that he showed on a different scale in the formation and use of his own library.

Mr. Ticknor's social life and character, however, far more than his public work, form the interest of these two volumes which have been widely found interesting. His qualities, his circumstances, and his opportunities were in some things unusual, in many things fortunate. He had the excellent gift of very decided tastes, and the good fortune of entire freedom. From the time when, a very young man, he took the then unusual step of going to study at Göttingen, to the last day of his life, he was singularly unhindered by circumstances. His two marked characteristics were a love of literature and a love of society, and they had full play for sixty years.

For literary occupation he had the qualifications of genuine pleasure in it, of scholarly thoroughness, of a remarkable and well-filled memory, and a just sense of the relation of one part of the commonwealth of letters to another; but he was a *bibliophile* rather than a producer, — one who dwelt gladly in the temple rather than a seer.

His social gifts were many, — a cheerful, equable temper, readiness to make new friends and absolute constancy to old ones, quick appreciation, and response to whatever was interesting or notable, and, as life went on, stores of anecdote and a variety of interesting personal recollections quite unusual in this country. Before going to Europe, Mr. Ticknor had seen familiarly some of the most distinguished people in America, and the same good fortune accompanied him abroad.

The spring of 1815 was an interesting time in England, and Mr. Ticknor caught sight of some of the people whose names belong to a period that was then closing. He saw Dr. Parr, heard Mrs. Siddons recite, and Dr. Rees told in his hearing a story of dining with Dr. Johnson and Boswell. He saw Lord Byron frequently, was with him when he heard the news of Waterloo, and gives interesting glimpses of Lady Byron. The kindness which he received was partly secured no doubt by the letters which he brought, and partly due to his own tact and good manners, but evidently he had the additional advantage of being a surprise. That he wore no wampum was in itself astonishing; but that from the woods where the noble savage was supposed to prevail should issue a well-bred and intelligent young man, familiar with literature and thoroughly appreciative of its magnates, was enough in itself to make a social success.

Mr. Ticknor's next move was to Göttingen, where he lived a student's life for nearly two years, making friends with the people around him, and passed on to their friends when he left the place. In Paris, where he established himself for five months, he saw the best of company, — Wm. Schlegel, Humboldt, Mme. de Staël and her family, Benjamin Constant, Chateaubriand, etc. The journal, which is written always in a good, simple, straightforward fashion, gives sketches of all these people; but neither here nor elsewhere in the book do we get any of those flashes of insight or vivid *aperçus* which give a character in a phrase, and stamp the conception of a great man forever on the memory. The book illustrates completely the saying that we see what we bring. The style runs on clearly and agreeably, but the thoughts and impressions received and conveyed are as absolutely within certain limits as the habitat of a family of plants. Five months in Rome and five months in Spain left time for a second visit

of three months to England and Scotland before returning to Boston, and the journal is again full of the most distinguished names. The Holland House set in London, and Scott, Southey, and Wordsworth in the country, are slightly sketched; and in June, 1819, Mr. Ticknor returned home, ready to begin his work at Cambridge, and with an unfailing spring of affection and interest for the things about him. He entered his professorship in August of the same year, and retained the position for fifteen years, resigning it before his second visit to Europe. These years were passed in almost unbroken prosperity; and more and more Mr. Ticknor's love for, and cultivation of, society made a large part of his life. Society was to him one of the minor fine arts, of which the practice was its own reward. His house was arranged on the footing that society was not an exceptional but an every-day affair, and that it consisted, not in gorgeous exhibitions of any kind, but in the intercourse of cultivated faculties, with due admixture of gayety and novelty. Material adjuncts were well organized and well kept in the background; and in a community quite without real taste for society, Mr. Ticknor's example had a positive value as showing what a pleasant thing it might be.

Leaving America in June, 1835, Mr. Ticknor was for three years in Europe with his family, renewing old friendships and making new ones. The Life gives a pleasant account of Dresden, its homely little court, and of the winter spent there in study and society. Travel in Germany followed; and one of the most interesting things in the book is Mr. Ticknor's account of an interview with Metternich, whose notion that revolutions were probable in England and improbable in France reads oddly now. Rome, Paris, and England, with whatever is agreeable in them and on the way to them, filled the time till June, 1838, when Mr. Ticknor came home to stay till 1856. At this time he made another visit to Europe, mainly on account of plans and purchases referring to the Public Library, making nearly nine years spent in Europe during a life of seventy-nine.

No one can read Mr. Ticknor's letters without recognizing that he was a loyal American, but the loyal American of those days was very different from those who could claim the title now. American scholars looked eastward for modes and inspiration; American conditions were held to be good as far as they cohered with English, or were simply received as inferior. American individuality hardly asserted itself, or in a poor-relation fashion which makes one think that our last war was in fact our first Declaration of Independence. Mr. Ticknor's life up to 1856 was steeped in the coloring of foreign influences, and in its remaining years there was more dissonance between the man and his

surroundings than in the happier, earlier period. No other life will be lived in America like Mr. Ticknor's, and this gives an historical value to the memoir quite different from its current agreeableness.

The Boston to which Mr. Ticknor returned in 1838 had a physiognomy quite its own, of which no good portrait exists. Its characteristic quality was perhaps provincialism, but provincialism based on Puritanism, stirred within fixed limits by great activity of mind, and lit up, though hardly enlightened, by some notable men. The logical social results of republican institutions had not yet worked themselves out. Lingering tradition and close-woven associations seemed solid and sure to continue. There were leaders in Israel, — people whose natural vocation it was to decide on important questions, — and who took the crown of the causeway in things intellectual as surely if not as consciously as any red-cloaked Glasgow merchant of old days.

The political creed was Whig, if creed that were which consisted mainly of an unlimited respect for the status quo, and which left its disciples to strike out quite wild when confronted with, or called upon for anything like a principle. Whiggery meant sound views on the tariff, good, quiet management of the elections, a deference for Southern opinion and action which lacked the grace coming from bodily or mental equilibrium, a horror of General Jackson, and a worship of Mr. Webster.

> "We that had loved him so, followed him, honored him;
> Lived in his 'dark' and magnificent eye,"

might have been the phrase of any of the solid men whom the gods had not made poetical, but whose loyal, joyful admiration for Mr. Webster's great gifts and imposing presence had in it an element of real poetry.

A large portion of the better educated classes of Boston at that time were Unitarians. The battle with Calvinism had been fought in Boston by men of keen wits, men of saintly lives, men of a home-spun practicality; and those who filled the Unitarian churches enjoyed a combination of emotions rarely united. The keen joy of truth aggressive and triumphant blended in their consciousness with a tranquil conviction that the limits of truth had been reached. The conservative Unitarianism of that day was a signal example of how much in earnest, how logical, and how peacefully inconsistent human nature may be. Among the able preachers of the new creed, Dr. Channing's reputation has wholly outreached that of his apparent compeers; and to understand the enthusiasm which his sermons created, one must remember for how many hundred years the congregation had heard itself denounced and damned. To hear of one's actual

excellence and possible perfection was a fascinating change, and neither preachers nor congregations troubled themselves to perceive that the weapons which had overthrown orthodoxy were inevitably ruthless against the coherent hetorodoxy in which they rested and were thankful.

Society was small, and showed the conditions which belong to small societies, — interest in each other's affairs and close oversight of each other's actions; a great admiration of conceded excellence, modified by occasional comments too personal to be dignified as criticism; an instinctive horror of revolutionary opinions, however speciously disguised; and a rigidity which made its dissolution a necessary preliminary to growth. Add to these the kindliness of neighborhood, the benignities of assured superiority, and a certain intellectual stir which kept the surface from stagnation, and we get a notion of what may fairly be called Old Boston, which felt itself permanent even while its doom was written on the wall.

In the centre of Whiggism grew up Antislavery, and society with the instinct of self-preservation found vivid amusement in the long-haired men and dithyrambic women who preached the new faith. How ludicrous, how ill-bred, how intolerably troublesome they were, Boston was aware; also how fit and even necessary it was that they should be silenced. The feelings of our Southern friends were to be considered, and our comfort demanded energy. They were but a handful, quite incapable of political effect; in fact one knew the secret motive of each of them; but in any case, silence them; break up the meetings; put Mr. Garrison in jail for safe-keeping; *keep them quiet!*

All this had its natural result; the handful became a nation, and, what was worse, one and another of those whom Boston delighted to honor joined themselves to this crew of fanatics. The history of Antislavery is the history of the country. We all know the price and the penalty paid, and one of the small side-issues was the breaking up in Boston of a social condition which had not the cement of impersonal truth, though even the beginning of the end was not visible till some years after Mr. Ticknor's return.

Into the cool fortresses of Unitarianism, also, about these days (1841), strode a champion who struck the shield till the walls rang, and then blew the horn till far-away echoes answered. Mr. Theodore Parker took up the balances in which the founders of Unitarianism had weighed the creeds of the world, and proposed to weigh the founders. It was with natural pangs and protests, and with hands clinging fast to what they counted their own, that the leaders

met the assault. What else could they do but raise the hue and cry? Mr. Parker had their own weapon in his hands; their position was utterly untenable; they had helped to establish the propositions with which he confuted them, and alas! it is not given to all to die with dignity. Contemporaneous with these two influences, and interacting with them, but, as it were, chemically rather than mechanically, Transcendentalism became a power in Boston. Whatever may be the value of this movement for the world at large, it was a greatly needed solvent in the place where it grew up; it questioned values, it ignored conventions; it called on whatever was "*viable*" to answer for itself or else to disappear; it heard composedly the shrieks of misbelief, unbelief, disbelief, which assailed it; it gave great help toward showing that freedom, instead of bearing the same relation to its opposite as is shown in Talleyrand's definition of non-intervention, "un mot political et métaphysique qui veut dire à peu près la même chose que l'intervention," meant free speech, free opinion, free living.

Taking three men as roughly representative, Mr. Garrison, Mr. Parker, and Mr. Emerson were the three most influential men in Boston of the years between 1836 and 1860; and it is not uncharacteristic of what in America calls itself good society, that it had no part in any of them.

In 1849 Mr. Ticknor's "History of Spanish Literature" was published, and he enjoyed the pleasure of seeing the chief work of his life praised by competent critics, and more generally interesting than he had anticipated. The creation and organization of the Public Library in Boston supplied perhaps the strongest new interest after Mr. Ticknor's book was finished, and he furnished sound views and much careful work towards its successful arrangement. There was a dramatic propriety in this occupation of his closing years; to know, to collect, and to use books himself had been the work of his youth and middle life; to collect and arrange them for the use of others was a main interest of his decline. His letters before and during the war are not more desponding than was inevitable; he is ready to do what he holds to be his duty as a citizen; but it is war, not slavery, which seems to him the intolerable evil.

Mr. Ticknor died in 1871, after a life of unusual industry, equanimity, and happiness, of which the memoir gives a clear and good account; and we know of no American book so thick-set with names and sketches of distinguished and interesting people.

11. — *Prose Essays by Poets.* 1. *Victorian Poets.* By EDMUND CLARENCE STEDMAN. Boston: James R. Osgood & Co. 1875.
2. *Essays and Studies.* By ALGERNON CHARLES SWINBURNE. London: Chatto and Windus. 1875.

How many poets have flourished in England during the last forty years? One hundred and fifty, says Mr. Stedman; a surprising number truly; and he has painfully enumerated and criticised all of them. The criticism of poets on contemporary poets is always interesting to contemporary readers; but it can in most cases neither survive its subjects, nor prolong their lives; and a great part of the labor spent on this book can result in securing no more distinct fame in future for the crowd of rhymers who lived under Victoria than is now enjoyed by the crowd who lived under Anne.

> "Sons of a day, just buoyant on the flood,
> Then numbered with the puppies in the mud.
> Ask ye their names? I could as soon disclose
> The names of these blind puppies as of those."

It is only a great poet who can preserve the memory of a little one. Mævius and Pye are indeed immortal; but then Horace and Lord Byron were critics of a different order from Mr. Stedman. The interest of this book will be found concentrated on a few names, conspicuous, if not illustrious, among the writers of the present day. Those selected for special notice, beyond the few lines conscientiously given to each of the smallest poetasters, are for the most part those which the ordinary reader would expect and approve as representative; not, perhaps, without a protest against calling Landor a Victorian poet at all. Hood, Proctor, Arnold, Mrs. Browning, Buchanan, Swinburne, Rossetti, and Morris are given a prominence which to very many readers will seem the due of each of them, and the strong and weak points of each are pointed out, in most cases, with a delicacy and discrimination which the admirers of any can hardly quarrel with. The attractiveness of different parts of the book to different readers must vary exactly as tastes in poetry vary; criticism is apt to be uninteresting when the subject criticised is unfamiliar; and the part which will be most popular will be that which treats of the poets generally read; a description certainly not including all of those just mentioned: while others, to whom Mr. Stedman rightly allots the most space of all, are of the greatest importance, as well by their merits as by their reputation with the public; every one has his own opinion about them, and is anxious to compare it with the opinion of others.

Among the Victorian poets two names stand out pre-eminent; and every reader of poetry will turn at once to see what the critic has to say of Tennyson and of Browning. Of the first he writes lovingly and at length; and the most original, as well as the most interesting part of the book is that in which the inspiration of some of the sweetest and most popular of Tennyson's verses is traced to its source in the idyls of the Greek pastoral poets. The likeness in sentiment and expression between the familiar English lines and Mr. Stedman's charming and accurate renderings of Theocritus and Moschus cannot fail to strike the most careless reader; and the more attentive admirer of the modern poet must be impressed with a new conviction that we may still derive some pleasure, if not profit, from the study of those classical models on which such abundant contempt is poured by many of the instructors of youth in the present day. Modern education is nothing if not scientific, and, as it is pleased to call itself, practical, and doubtless it has useful results. Yet we may believe that earnest study of beetles, or ozone, or the theory of rent would have counted for less in the production of "The Princess" than the recollection of a few lines in a dead language. The true friend of liberal education will be duly respectful to the beetles; he will see that his children are taught to measure them in millimetres and describe them in several living tongues; but he will not permit their study wholly to efface the memory of that nobler learning from which the greatest poets of our time are not ashamed to borrow.

Mr. Stedman's observations on Tennyson's other writings show a natural appreciation increased by a careful study, and expressed in a clear, if not a striking style. No admirer of the poet can deny that he receives his full meed of praise from a critic deeply impressed with his excellence, yet not too much impressed to be discriminating; witness the remarks on "Maud."

But if Mr. Stedman does full justice to Tennyson, he is far less satisfactory in his treatment of the other great poet of our day. It is clear that he has but small liking for Browning, and no sympathy with him; he is wholly in the dark as to what the poet means to express, and naturally finds the expression defective; and defective indeed it is, if regarded as his critic regards it, as a defence of "the elective affinities against impediments of law, theology, or social rank." Browning's poetry is no more the outcome of such a formula than of the binomial theorem; but though it may fail to convey ideas which the poet never thought of, it is mighty in the expression of thoughts, of questions, and of answers which the reader's mind often first recognizes as belonging to itself when presented in a few com-

pressed and powerful lines, once read and never forgotten. It is this power of saying what every one thinks, and thinks so unconsciously that he never even attempts to say it, that makes the true poet; and it is the power of saying the same things in perfect words that makes the great poet; nor should greatness necessarily be denied if the words are not always accurate in rhyme or musical in sound.

To Mr. Stedman, beauty in the workmanship of verse is all-important; and it is this which makes his praise of Browning very perfunctory; it seems as if he were continually wishing to say, as he does say of certain poems which he names: "The language of the simplest of these is so intricate that we have to be educated in a new tongue to comprehend them; their value lies in the human nature revealed under such fantastic and to us unnatural aspects developed in other times." Here are half a dozen lines of one of these: —

"That low man seeks a little thing to do,
Sees it and does it.
This high man, with a great thing to pursue,
Dies ere he knows it.
That low man goes on adding one to one,
His hundred 's soon hit.
This high man, aiming at a million,
Misses a unit.
That, has the world here, — should he need the next,
Let the world mind him!
This, throws himself on God, and unperplexed,
Seeking shall find him."

Is this fantastic, or intricate, or unnatural to these times? Perhaps it is the last: then so much the worse for these times; but surely it is poetry, and that of no common order.

It is this same admiration for manner and comparatively slight value for thought in poetry, which allows our critic to pass with scarcely a word over Clough; a poet unfortunately best known by his lame and impotent English hexameters, but whose other verses, and in particular his religious poems, more truly and forcibly represent the spirit of some of the best minds of this generation than those of any other writer.

The theory on which Mr. Stedman founds his conclusions seems to be as follows. The scientific and poetic views of the world, always opposed, were never more widely opposite than now. Throughout the period under discussion, science has been advancing with long strides towards truth, and poetry is left lagging far behind and rather out of repute. Reason has vanquished imagination. In the light of science it is no longer easy to idealize the facts of the world. Yet

Mr. Stedman expects the time to come, perhaps soon, when poetry will, out of these new and hard materials, which science is furnishing, again build up splendid structures for the imagination to inhabit; but meanwhile the transition process from the old to the new themes occasions a period of embarrassment, doubt, wavering, and consequent lack of inspiration in the poetry of to-day. The poets, therefore, the lovers of beauty, devote their genius to perfecting modes of expression, smoothing their verses, inventing intricate and lovely metres, polishing their style. Hence the only greatness of such a period is found in technical proficiency; the difference in value of its poets is proportioned to their varying faculties of expression.

This is, on the whole, a just account of the character of our more modern poetry. - Melody, rhythm, voice, picturesqueness, are qualities which belong to our poets in as full measure as Mr. Stedman asserts. But why should it not be clearly recognized that these are but inferior attributes of the muse, after all? It is one thing to prattle on and on with Morris, or to roll on one's tongue the rich romances of Tennyson, but quite another thing to cry with the voice of Byron or soar with the wing of Shelley. These facts are hardly kept in view so clearly as is best in Mr. Stedman's special criticisms, though well stated in his general essay. The readers of the book will find that it is by a rather Victorian canon — that is, the ability to be Victorian and easy — that these Victorian poets are judged. By this they are praised, by this condemned. On this principle Swinburne is lauded, and on this principle Browning meets with severe criticism.

We do not imagine that Mr. Stedman really intends to rank Mr. Swinburne's achievements so high, or Mr. Browning's so low, as he appears to do. Browning seems almost excluded from the rank of poet, at least of poet properly so called. This is doubtless a result of the "technical" standard by which the author confessedly judges. But certainly Browning cannot be so dismissed, and any critical definition of poet which does not cover his case, is not on the whole a satisfactory one. Considering his keenness of thought, his exuberant imagination, his subtle power to take hold of his readers, the vividness of his best scenes, the strong lines of his characters, we can scarcely avoid calling him the strongest, truest poet of the Victorians.

On the other hand, a rather undue stress is laid on the peculiar merits of Swinburne. This, again, proceeds from the technical nature of the canon used. So far as melodious numbers, attained however by the strangest tormenting of language, contribute to poetry, Swinburne is the most poetical of all our poets, the most musical of all our bards; but his verse has all the limitations as well as the powers

of music. His poems tinkle and sing, but what effect do these sweet vowels and delicate consonants bring? Do we not go our way, and straightway forget what manner of words these were? The praise lavished on him by Mr. Stedman is indiscriminate. If Swinburne has sung sweetly of beautiful things, he has also raved foully of horrible things. Even these latter verses, Mr. Stedman thinks, "are quite too fine to lose." The only excuse which suggests itself for his comment is a charitable hope that he does not understand them.

But to know Mr. Swinburne's merits and defects it is not necessary to turn to his poems. They speak loudly for themselves in his volume of prose essays, the title of which stands second at the head of this notice.

Mr. Swinburne is a master of fine words; and this is how he uses them. "It is said, sometimes, that a man may have a strong and perfect style who has nothing to convey worth conveyance under cover of it. This is indeed a favorite saying of men who have no words in which to convey the thoughts which they have not, ... but it remains for them to prove, as well as assert, that beauty and power of expression can accord with emptiness or sterility of matter, or that impotence of articulation must imply depth and wealth of thought. This flattering unction the very foolishest of malignants will hardly in this case" (he is speaking of Mr. Dante Rossetti's verses) "be able to lay upon the corrosive sore which he calls his soul: the ulcer of ill-will must rot unrelieved by the rancid ointment of such fiction." Whether or not the possible coexistence of an elaborate style and a frivolous or base subject can be proved from the works of the author of Eden Bower and Love-Lily, we will not stop to inquire; but will salve our malignant and cankered soul with the contemplation of the very book from which the above extract is taken. It affords a new proof, if any were needed, of the author's astonishing power over the English language, and of his utter waste and abuse of that power. It is not indeed so far perverted, as in many of his poems, to the vivid picturing of delirious depravity; though even here traces are not wanting of the author's perpetual prurient longing to express the unexpressibly hideous. But the only thing in the English language less wild than Mr. Swinburne's verse is his prose; and its perfect wildness cannot be for a moment forgotten, even in the surpassing luxuriance of his style. Serious criticism of his matter is impossible. What shall be said to a man who calls Victor Hugo the master poet of the age; to whom Mr. Rossetti's sonnets recall those of Shakespeare, to the grievous disadvantage of

the latter, in respect of noble fulness of form and stately and shapely beauty of build; who considers Byron's Vision of Judgment the final perfection of his satirical powers; and who is forced to admit Dante and Milton to be less great poets than Homer and Æschylus, Sophocles and Shakespeare, inasmuch as these latter had the decency to keep "the very skirts of their thought, the very hem of their garments, clean from the pollution of this pestilence," by which polite epithet is intended "the most hateful creed in all history," namely, the Christian? Such folly (and of such the book is full) is only made to appear more foolish by the eloquent and musical language in which it is often clothed.

Mr. Swinburne has written some magnificent and many fine verses; he has written, too, much sound and fury, signifying nothing; and he has also sung forgotten monstrosities of vice in words which by their very extravagance happily fail to convey any adequate idea of the vileness of the imagination which suggests them. It is painful to see that among his various styles he steadily tends to refuse the good and choose the evil, and seems ambitious to live in the memory of man rather as a foul-mouthed and foul-minded lunatic than as a poet; as author of the Essays and the Anactoria, rather than of the Atalanta in Calydon.

A comparison of these two volumes of essays can hardly be attempted; the criticisms of the American poet are calm, well-bred, scholarly, and reasonable, even if the reasons are not always convincing; those of the English can only be likened to the utterances of what he himself would prettily call "a blatant Bassarid." On the whole we prefer our countryman.

> "'T is wiser being good than bad,
> 'T is safer being meek than fierce,
> 'T is fitter being sane than mad."

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12. — *William Godwin; His Friends and Contemporaries.* By C. Kegan Paul. With Portraits and Illustrations. In two volumes. Boston: Roberts Brothers. 1876.

This has been called the Age of Biographies, and it is no bad qualification for an age, if it be well deserved. A good biography is a thoroughly good thing, and if properly done should surpass any but the best of novels in interest. A biographer does his work well in proportion as he possesses the gift or art of making his subject a living soul, clothed with human nature, flesh and blood, and of like pas-

sions as we ourselves, a personal identity whom we seem to have seen and known. It is the lack of this power that makes so many biographies dry and "fishionless" as the Scotch say, the subjects mere lay-figures on which to hang dry facts, without life or motion in themselves. Indeed, we incline to believe that a good biographer should have in him the making of a good romance-writer to the extent at least of being able to conceive vividly and to describe picturesquely the person and his adventures that he has to deal with. George Sand's *Histoire de ma Vie*, — at least all the early part of it, — and Lockhart's "Life of Scott," are instances in point. Open them where one may, it is as hard to lay them down till they are finished as it is to leave "Tom Jones," or "Sir Charles Grandison," or "Pride and Prejudice," or "Vanity Fair," or "Adam Bede" in the middle of the volume.

The life of William Godwin with which we have to do, though not exactly an example of the very highest style of biography, is very fairly well done, and affords sufficient materials out of which the reader can reconstruct a sufficiently lively image of a man once famous, but very imperfectly known to the present generation. Mr. Paul, the author, has all the industry, accuracy, and clear-sightedness which go to the making of a good biographer, but he has not the gift or art of which we have spoken, which makes the characters of the story breathe and move before us in their habit as they lived. He has however endeavored to make Godwin and those of his contemporaries with whom he deals describe themselves as far as possible, and his analyses and criticisms of what they do and say are generally well discriminated and illustrative of the narrative. The turn of his mind is evidently rather critical than observing, inclining to look at persons and facts subjectively rather than objectively, and thus to a certain extent to leave the impression on the minds of the readers of spectral appearances rather than realities of flesh and blood, as he marshals before them the procession of the men and women he has summoned from the abyss of the past. Still, his characters are less of abstractions, and more of entities than those of the herd of memoir-writers, and the readers of to-day owe him their thanks for the way in which he has done his work, even if it be conceivable that it might have been better done by a greater artist. We would say, however, while upon this point, that we could wish he had given more of his critical acumen and literary skill to an analysis and account of the works which made Godwin a famous author for so many years. It is too much perhaps to expect that novel-readers of the present day, when, on an average, a novel a day, Sundays included, gushes from the London press, to go back and read "St. Leon" and "Mandeville" and

"Fleetwood," or even "Caleb Williams" for themselves, though these works made so large a part of the romantic reading of their grandmothers. And very good reading they were too in their way, though it was not the way of the bigamous and murderous school that has come after them. This is shown by the editions they passed through and the length of time they held the novel-reading public, and it would have been well if Mr. Paul had dwelt longer upon them and given an outline of their plots and characters, of their literary merits and demerits. It would have given a more distinctive idea of the power and skill which Godwin undoubtedly possessed, and accounted for the reputation he had with his contemporaries, since what has survived to this day might seem hardly to demand so elaborate a work as this life. More attention is given to "Political Justice," the work which gave Godwin his chief weight with his generation, but even this might have been treated of in a manner to make the sensation it created better understood at this day. This is about all the fault we have to find with Mr. Paul's way of doing his work, the general result of which is well deserving of commendation and gratitude.

The life of Godwin, though interesting, as any human life ingenuously told must be, is mainly of a painful interest. It was a life of domestic and pecuniary troubles, of heavy griefs and disappointments, of maimed and imperfect successes, without the cheerfulness and elasticity of temperament which enable some fortunate natures to defy fate and fortune to make them miserable. He had not the support and comfort under his struggles and misfortunes which spirits touched to happier issues find in religious faith and hope. All that he had to oppose to calamity and sorrow was a stern stoical endurance of the inevitable, without repining or complaint, — a patience born of an iron will and an indomitable purpose. He was content with such repose of mind as atheism could afford; at least he sought no other, and lived and died in its shadow. He was not a Pantheist, in the modern acceptance of the term, — indeed, that form of faith had hardly developed itself at the time his opinions were formed, — but he was, in his own words, "an adorer of nature." He says in words worth quoting, "I should pine to death, if I did not live in the midst of so majestic a structure as I behold on every side. I am never weary of admiring and reverencing it. All that I see, the earth, the sea, the rivers, the trees, the clouds, animals, and, most of all, man, fill me with love and astonishment. My soul is full to bursting with the mystery of all this, and I love it the better for its mysteriousness. It is too wonderful for me; it is past finding out; but it is beyond measure delicious. This is what I call religion." It must be a very severe

religionist that would refuse to allow that such an infidel as this was at least not far from the kingdom of heaven.

The scepticism of Godwin was due partly to the free-thinking spirit which was so rife during the last century, and partly to the reaction from the extreme strictness of early training which has hurried so many able men into the same extreme. He was born in the year 1756, the son of a dissenting minister of the most rigid type of Calvinism. There was nothing in the domestic influences of his childhood to make religion lovely in his eyes. His father was a man of a narrow mind and imperfect education, though affectionate and well-meaning. The thunders of the law were what he loved most to dwell upon, and his ruling of his household was of the most rigid description. Of this Godwin gives this proof: —

"One Sunday, as I walked in the garden, I happened to take the cat in my arms. My father saw me and seriously reproved my levity, remarking that on the Lord's day he was ashamed to observe me demeaning myself with such profaneness!"

His education in childhood and youth was conducted in this spirit of religious strictness. At eight years old he had read through both the Old and New Testaments, — an experience which doubtless had an excellent effect on his English style, whether or not it greatly redounded to his infant edification. One of his teachers initiated his youthful mind into the more advanced doctrines of Sandeman, "who, after Calvin had damned ninty-nine in a hundred of mankind, contrived a scheme for damning ninety-nine in a hundred of the followers of Calvin!" We trust that the keenness of this gospel must have abated in later times, as the gentle Faraday was a disciple of Sandeman, as well as an excellent gentleman formerly connected with the business affairs of the neighboring university, and to whose liberality she owes in a large measure the theatre in which her last Commencement was held, and which is dedicated to such services hereafter. The taint of the Sandemanian heresy was sufficient to procure Godwin's rejection by the Dissenting College at Homerton, and his education was finished at the Hoxton Theological Seminary, over which Dr. Rees, of Cyclopædic memory, presided. Here the young neophyte encountered a very opposite heresy in Dr. Rees, who doubted the eternity of future punishment for anybody! The worthy divine, however, declined disseminating this doctrine, from fear of its effect on "the grosser mass of mankind."

In 1777, when he was twenty-one years old, he began preaching as a dissenting minister, and was settled at Ware and Stow Market and at Beaconsfield. During the few years that he followed this profession

his mind was actively exercised in considering the dogmas he was expected to enforce, and gradually working himself clear of them. He halted for a while at Socinianism as a resting-place on his pilgrimage from Calvinism carried to the highest point to utter unbelief. Before he was thirty he had given up his ministry and fallen back upon his pen for his support. He wrote a Life of Lord Chatham, three novels long since foundered in the depths of oblivion, contributions to some of the periodicals of the day, and the historical portion of the New Annual Register. But his first fame as an author came with the publication, in 1793, of his work in two volumes on "Political Justice." This book made a profound impression at the time it appeared. The excitement in the general mind arising from the French Revolution was at its height, and this treatise, which was designed as the gospel of a new and improved state of society, came just at the time when men's minds were ready to receive it. Much of the doctrine of the book was not new at the time it appeared, some of its principles being derived from no less philosophical and orthodox sources than Hume and Jonathan Edwards, and its details have been worn to rags by radicalism of later date. But the ideas it contains and the opinions it maintains were never set forth in more lucid order or in more transparent phrase than by Godwin. Its success is shown by two unimpeachable proofs. Godwin was paid a thousand guineas by his bookseller, and the Privy Council deliberated as to the propriety of prosecuting the author. But Pitt, anticipating Cobbett's apophthegm, that "you can't make a fellow with a full belly a rebel," wisely decided that men who could afford to pay three guineas for a book against property would not be likely to try to carry out its principles. Besides the institution of property he attacked that of government resting upon force, even of one by a national assembly, which was then regarded as the perfection of political wisdom. Tests and church establishments, it is needless to say, met with small mercy at his hands, and marriage was denounced as "the worst of all laws." Godwin was a man of the coldest temperament and the strictest purity of life; and though even he could not state his doctrine in a way that is not revolting to a pure mind and just taste, there is no taint about it of the pruriency of the free-love arguments of the present day. It is pure reason, as he received it, pronouncing on an abstract point of conduct.

In 1794, at the time of what was called "Pitt's Reign of Terror," when Hardy, Thelwall, and Horne Tooke were to be tried for treason for discussing the question of parliamentary reform, Godwin came to the rescue of the constitutional right of free speech in a letter to

Lord Chief Justice Eyre on his charge to the grand jury and the law as to high treason therein laid down. This publication had great effect in instructing the minds of the middle class from which the juries were to be drawn, and prepared them to resist the sophistry and the tears of Sir John Scott, the attorney-general, afterwards Lord Eldon, and to yield to the resistless eloquence of Erskine. After his acquittal, Horne Tooke raised Godwin's hand to his lips, saying he could not do less to the hand that had saved his life. Had the accused parties been convicted, Godwin undoubtedly would have been indicted for sedition. His conduct at this crisis brought him into friendly relations with the leading spirits of the opposition in Parliament and out of it, such as Fox, Lord Lauderdale, Sheridan, Holcroft, the author of "The Road to Ruin," who had been one of the prisoners acquitted in 1794, Dr. Parr, Lord Holland, and others. He had previously been acquainted with Canning, when he was beginning life, and could count among his friends at one time and another many eminent persons, such as Professor Porson, Mackintosh, Ritson, the collector of ballads, who will live forever in Lockhart's "Life of Scott," and Etruria Wedgwood, who was a most liberal and generous friend to him in the pecuniary troubles which gathered about him in later life. Godwin was sensible to the charm of female beauty, and had strictly platonic friendships with several lovely women, notably with Mrs. Inchbald, who is described by Mrs. Shelley as singularly beautiful and attractive. Mary Robinson, better known as the Perdita of the Prince of Wales, another beautiful and fascinating fair one, was a friend and correspondent of Godwin's, who continued his acquaintance with her to her death. Though rigid in his own personal conduct as to women, his views as to the moral relations of men and women probably made him lenient as to those of the fair Perdita towards various admirers. Miss Alderson, afterwards Mrs. Opie, was another female friend, of a very different description, with whom Godwin was on intimate terms of intercourse and correspondence. One of his oddest friendships in his later life was one with Lady Caroline Lamb.

But the woman whose charms of person and mind gave to Godwin the greatest happiness he knew during his life, though too soon extinguished, was the celebrated Mary Wollstonecraft. The daughter of a profligate and spendthrift father, passing an unhappy youth with uncongenial and unkind sisters and brothers, forced to earn her bread as a governess, by writing books for children, and translating works from the French and German, she learned to think for herself, whatever may be thought of the result of her meditations. In 1791

was published her famous book, the "Vindication of the Rights of Woman." Very erroneous ideas prevail among those who have only heard its name as to its character. It would be regarded as lamentably behind the demands of the case by the advocates of the emancipation of women of our day. She made no demand for political equality with men, and treated the Christian religion and the institution of marriage with entire respect. Indeed, to judge from her letters, she was the furthest in the world from any tinge of free thinking up to this time at least. Her letters are marked with all the signs of evangelical or Calvinistic training and conviction. The book is a plea for the equality of the education of men and women. Not what is now claimed as the coeducation of men and women, or their education in the same seminaries, but that as much attention should be given to the cultivation of the mind and the strengthening of the faculties of the one sex as of the other. The extreme plainness of speech with which she set forth her doctrines perhaps had as much to do with the censures aimed at it as the doctrines themselves. The work was permeated, moreover, with the ideas as to the rights of men then agitating the mind of England by contagion from France, which helped to give it a worse name than its actual qualities called for.

Soon after this publication, Mary Wollstonecraft went to Paris to perfect herself in French, as well as in the hope that the prevailing Anglomania might help her to some advantageous position. She was in Paris during the Reign of Terror, and was exposed to many of the inconveniences and even dangers incident to strangers, during those fearful days. While there, under these circumstances, she made the acquaintance of Gilbert Imlay, an American citizen, a captain in the army of the Revolution, and residing in Paris apparently as the agent of some speculation in our waste lands. He was a man of ability and attractive manners, and Mary Wollstonecraft formed a sincere attachment to him. Godwin had not yet published his "Political Justice," and whether she had evolved his ideas on the subject of marriage from her own mind, or whether her affections were too strong for her principles, if they were of the Old World stamp, she lived with Imlay as his wife without the preliminary ceremony having been performed. There were legal difficulties in the way of a marriage between foreigners without exposing them to certain risks, she being a British subject, and war existing between the countries. And it is doubtful whether the marriage would have been regarded as valid in England. There is no question that she regarded herself as the wife of Imlay, and fully believed that he would remain a faith-

ful husband to her. But he proved unworthy of her love and constancy, and deserted her and her child, after her return to England in 1795. When this was beyond doubt, she attempted suicide by drowning, in an access of despairing insanity. Fortunately, she was reserved for a brief season of happiness. When she and Godwin met, it was not long before they came to an understanding, although he seems to have acted on Mrs. Malaprop's suggestion, and "begun with a little aversion" at their first meeting. This, however, was soon overcome, and they were married March 27, 1797, and in St. Pancras Church! Though they both thus sacrificed their abstract ideas to the concrete prejudices of mankind, they did not stoop to comply with the vulgar usages of married life so far as to live together in one house, at least as a general thing. Fearing that familiarity might breed contempt and aversion, Godwin took rooms about twenty doors off their common home in Somerstown, in which separate apartments he spent the chief of his day and often slept there at night. Little Fanny Imlay was, of course, received as the adopted child of the family, and was always regarded by Godwin as his daughter. But this was but a brief gleam of light thrown upon two lives which had been but too generally clouded by misfortune or sorrow. The next autumn Mrs. Godwin died, soon after the birth of Mary, afterwards the wife of Shelley. Godwin again yielded his abstract objections to religious observances, and permitted his wife to be buried according to the rites of the Church of England. One of his intimate friends, Tuthill by name, more consistently refused to assist at religious ceremonies of which he doubted the morality. All the rest of his friends, though, as he says, equally "averse of religious ceremonies," waived their scruples for the time. Poor Godwin was not physically equal to attend the funeral himself.

Profound and sincere as was the grief of Godwin at the loss of his wife, he was not indisposed to pay her the compliment which some dames declare they should esteem the highest their disconsolate husbands could pay to their memory, that of providing a successor in the least practicable delay. It was not much more than six months after Mary Godwin's death when we find her widower in pursuit of Miss Harriet Lee, one of the authors of the "Canterbury Tales," a collection which had its day when our grandmothers ransacked the circulating libraries, but which is probably now only remembered because one of them suggested the plot of the tragedy of Werner to Lord Byron. The courtship was carried on chiefly by correspondence, which resembled rather philosophical treatises than passionate love-letters on the part of the suitor. The lady was unpersuadable by

logic or philosophy, and she lived on in single blessedness, and so died at a very great age within not very many years. He next tried his fortune with Mrs. Reveley, a woman of great beauty and many attractions, who had had many adventures, all of them innocent, beginning in Constantinople, continued in Rome, and ending in London. She and her husband had been on intimate terms with Godwin for many years. After Mrs. Godwin's death this intimacy was interrupted by Mr. Reveley's most groundless jealousy. But on his sudden death on the 6th of July, 1799, Godwin lost no time in making his approaches to the fair widow, and offered her his hand and heart within a month from the time when she had followed her poor husband's body "like Niobe all tears." She was not to be won, however, by this sudden attack, and poor Godwin experienced another mortifying repulse. That this was not owing to any insuperable objection of the lady to the holy estate was proved by her marrying another man, Mr. Giesborne, within the year. This marriage was an entire surprise to Godwin, who knew nothing of it till it took place, and a great disappointment, as he still hoped that his suit might yet succeed. We think it possible that the lady may have chosen better for herself than if she had joined her fate to that of so crotchety a man as Godwin, but we are sure that she would have made his life much the happier by her sweet and gentle influences and by saving him from the fate that awaited him.

For having been twice rejected by women whom he sought, he was not long after captured by a woman who sought him. It was a handsome widow, Clairmont by name, who lived next door to him. She angled for him not in vain from her adjoining balcony, baiting her hook with the meat which, unhappily, his soul loved, and which he was gudgeon enough to snap at. "Is it possible," said she, "that I behold the immortal Godwin!" She saw and she conquered. In the next December, 1801, they were married.

It was a most unfortunate match. She brought her husband no dowry but two children of her former marriage, who added nothing to the harmony or the happiness of the family. She seems to have been a woman of little delicacy of feeling and small regard to truth, thoroughly selfish and indifferent to the happiness or improvement of her step-children, Mary Godwin and Fanny Imlay. What affections she had were monopolized by her own children, and all the attention given to accomplishments and education was bestowed on them, while Mary and Fanny were required to help in the drudgery of the household. Whatever education the future wife of Shelley enjoyed she gave to herself,—a fact not creditable to Godwin's pater-

nal affection nor to his regard for what he must have known would have been the wishes of the child's mother. Charles Clairmont, the son, received a good education by Godwin's means, and had a fair success in life. We shall speak of Jane, the daughter, presently. His wife not merely made Godwin's home unhappy to his children and uncomfortable to himself by her bad temper and coarseness of nature, but the direction given to his life by her activity and energy of character was a most unfortunate one. She persuaded him to become a bookseller in 1805, and the next seventeen years of his life were given to a business for which he had no taste or turn and his wife no experience or capacity. With occasional glimpses of prosperity, his business life was dark and disastrous in general, and ended in bankruptcy in 1822. Godwin had no reason to complain of his political friends, who on two occasions subscribed considerable sums for his relief, and Lord Grey provided for the old age of the veteran radical reformer of abuses by giving him the sinecure office of Yeoman Usher of the Exchequer. Though this office was swept away by the besom of reform after 1832, the provision in some manner, which is not exactly explained by Mr. Paul, was continued to him by the Duke of Wellington, of all persons in the world, during his intercalary ministry of 1835, and by his successor, Lord Melbourne. It must have been arranged, we should imagine, by way of a retiring pension. Thus Godwin, like many another enthusiast for a new moral and political world, contradicted by his practice his most favorite theories. Opposed to marriage on principle, he was twice married, and by the rites of a religion which he disbelieved, and with the sanction of a Church Establishment he condemned as mischievous and immoral. Denouncing the corruptions of the State as well as of the Church, he died a sinecurist and a pensioner.

In 1811 Godwin made the acquaintance of the man whose genius has done more to make him known to posterity than anything that he did himself. Though his manners were cold and reserved, there was still something about him that was singularly attractive to young men, and to the end of his life the old philosopher had young disciples eager to sit at his feet. Shelley was drawn towards Godwin by his own young enthusiasm for truth and philanthropy, the redressing of wrongs, and the creation of society anew, and he wrote to ask for correspondence and acquaintanceship. Both were granted, and Shelley and his first wife visited the Godwins, and friendly relations were established between the families. At the beginning of their intercourse the Shelleys were apparently on ordinary terms of domestic happiness, while Mary Godwin was but fifteen and still regarded as a child. A couple of

years later, after the conjugal infelicities of the Shelleys had set in, Shelley paid a visit to the Godwins and found Mary a beautiful young woman of seventeen, with all the qualifications of temper and mind which were lacking to his first boyish entanglement. They were not long in falling in love, and pledged their troth sitting on the grave of Mary Wollstonecraft in St. Pancras Churchyard, whither Mary Godwin used to take her books to escape from the exactions of her unjust step-mother. Very briefly afterwards they eloped to the Continent, Jane Clairmont accompanying them in their flight. Godwin was much incensed at this reduction to practice of his own published doctrine as to marriage, and his wife pursued them to Calais, but to no purpose. Their wedding tour — if so it could be called where there was no wedding — was perhaps the most extraordinary ever taken, and was in keeping with the other odd concatenations of these unusual people. From Calais they went to Paris and thence proceeded on foot to Geneva. To lighten and vary their toils, they bought an ass, which they rode in turn, greatly to the diversion of the chance spectators of this remarkable procession. They lived together in Switzerland and afterwards in England, in defiance of "human ties," and Godwin accepted the relation as one not to be broken, if not to be defended, and he was on affectionate terms with them both. But when the fatal ending of Shelley's first matrimonial attempt came in the suicide of his wife Harriet Westbrook, Godwin insisted on a legal marriage being entered into, which was done in about six weeks after Shelley's tragical release from his marriage bonds. Mr. Paul affirms that however Shelley's desertion of his first wife may have been the indirect cause of her subsequent loose life, that her self-destruction was certainly not the immediate result of it. It was occasioned by the doors of her father's house being closed against her through the instigation of her sister. There can be no doubt, however, that this catastrophe, and the consideration of the misery he had largely if not entirely occasioned, must have visited so sensitive a nature as Shelley's with bitter remorse. The suicide of Harriet Shelley was preceded by another yet more sad, and one that came nearer to the life of Godwin. Mary Wollstonecraft's daughter, Fanny Imlay, who had taken the name of her step-father, put an end to her life by laudanum less than a month before the other catastrophe. No reason could be assigned for the act, excepting the effect of her learning the facts of her birth acting on a constitution subject to hereditary depression of spirits. It was a heavy blow to Godwin, to whom she was all that a daughter could be, affectionate, companionable, useful, and generally cheerful.

The Shelleys returned to Italy, and Jane Clairmont lived much

with them. She was not without her own private catastrophes, and it is tolerably plainly intimated, though not definitely stated, that she was the mother of Lord Byron's child Allegra, whose life and death are told in his Life and Letters. After the death of Shelley, Mary returned to England, and her occasional society was one of the comforts of Godwin's old age. She survived him fifteen years, dying in 1851. Most of his friends went before him to the grave, Coleridge and Charles Lamb among them. His son William, by his second marriage, died of the cholera in the year of that pestilence in England. His latter days would have been dark and sad from want as well as bereavement, had not his friends come to his relief with a subscription, and had he not received the help from government just mentioned. His temperament was not one to conciliate friendship, and yet he had many friends whose fame will help to carry his own to posterity. He was exacting and jealous in his friendships, and given to suspicion and misunderstandings, and yet his friends were not to be separated from him. There must have been a warm heart under a cold and not attractive manner, which made itself felt by those who were drawn within his sphere. The letters of Lamb and Coleridge would alone make these volumes a most acceptable accession to English literature. Old play-goers whose memory of our stage goes back for half a century will meet an old friend in these pages in the person of Thomas A. Cooper, who was for so many years the leading actor and only permanent star of the American theatre. Cooper was a protégé of Godwin's in the very beginning of his career, in his strolling days, and his letters may be read with interest as a picture of that phase of life. Cooper might have been a rich man, had he been able to take care of the large sums he received. In reading his letters to Godwin in his days of humiliation, it is curious to consider that his daughter should have married the son of a President of the United States, — John Tyler, the younger. We believe the old age of Cooper was provided for by some office connected with the Philadelphia custom-house, through this alliance.

The genuine interest we have felt in this excellent biography has led us perhaps to treat its subject at too great length. But the name of Godwin is associated too closely with the phases of thought and opinion of eighty years since, not to be always interesting to the student of moral and intellectual revolutions. That it would have been freshly remembered by a reading generation which has come into being since his death in 1836 we think is very doubtful, had it not been for two circumstances which have made it widely known to persons of average reading and information. His books are no longer

read, and he left no such permanent impression on the mind or the events of his time as to have extorted a place in all memories. We imagine that even "Caleb Williams," the most powerful of his works, is known at this day rather by its dramatization by Colman the younger, as "The Iron Chest," than by its own intrinsic merits. It still keeps the stage, and Sir Edward Mortimer, first brought on the scene by the elder Kean, and kept there by Macready and Booth and later tragedians, is commonly known to the general public as owing his being and his inspiration to the genius of Godwin. The other circumstance which will always keep an interest in Godwin alive is of course the everlasting identification of his name with the romance and the tragedy of the life and the death of Shelley. Though Mary Shelley might not have claimed

"The shelter from her sire of an immortal name,"

had she not shared in the immortality of her husband, we are inclined to believe that the immortality of Godwin's name will endure chiefly under the shelter of his daughter's, forever illuminated by the reflected glory of the fame of Shelley. Be that as it may, we are much indebted to Mr. Paul for thus reviving the memory of a man well meriting memory in a work which deserves the place in English literature which we are sure it will receive.

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13. — *Hospital Plans. Five Essays relating to the Construction, Organization, and Management of Hospitals, contributed by their Authors for the Use of the Johns Hopkins Hospital of Baltimore.* Large 8vo. pp. 352. New York. 1875.

The circumstances which called forth the essays upon hospital construction contained in this volume are probably not unknown to our readers. The late Johns Hopkins, a rich citizen of Baltimore, bequeathed to trustees in 1873 a fund amounting now to over three millions of dollars, intended mainly for the construction of a hospital for the relief of the indigent sick of the city of Baltimore, without distinction of age, sex, or color. In a most admirable letter to the trustees, which prefaces the present volume, the donor set forth his intentions. Of this letter, Dr. Folsom, one of the contributors to the collection of essays, says:—

"It evidences not only benevolence, but wisdom. It shows not only solicitude for the welfare of the poor and suffering, but a keen appreciation of their necessities, and discriminating skill in planning their relief. It is

marked by *liberality* of views in the highest sense; yet its provisions are so pertinent as to seem almost to imply actual experience in administration of a hospital. If any incentive to earnest effort, further than they already had, were needed by those chosen to aid the committee with their counsel, it would be found in this truly admirable instrument."

We are glad to meet with, and to reproduce, this warm recognition of the high-minded charitableness of Johns Hopkins; his letters of instructions, evincing such thoughtful and painstaking solicitude for the sufferings of the destitute, is a noble monument of his truly generous and wise munificence, — a monument as noble, perhaps, if thoughtfully considered, as the edifice itself which, before long, will perpetuate the memory of its founder. For, be it borne in mind, of all human enterprises, not the least difficult of successful accomplishment is *charity*. Merely to give away money is comparatively easy, especially when, on a death-bed, the grasp on the accumulated wealth of a lifetime is relaxing. But with money, perhaps a useless superfluity to its owner, to give freely the time, the thought, the care, without which pecuniary charity is often productive of more harm than good, there we have a sacrifice which observation shows to be rare.

Besides the sum of money named above, Johns Hopkins bequeathed thirteen acres of land, favorably situated, in the city of Baltimore. His instructions to the trustees provided for the erection of a hospital capable of receiving four hundred patients, with training school for nurses attached, and also for the construction, upon other ground, of an Orphan Home for three or four hundred children. Moreover, it was the wish of the donor that the hospital should ultimately form a part of the Medical School of a University, for which he had made ample provision in his will.

The first care of the trustees was to invite five distinguished physicians who had made hospitals their special study to contribute essays upon hospital construction, a letter of instructions defining the conditions and limitations of the undertaking being sent to each. The gentlemen so consulted were John S. Billings, of Washington; Norton Folsom, of Boston; Joseph Jones, of New Orleans; Caspar Morris, of Philadelphia; and Stephen Smith, of New York. The essays contributed by them, with accompanying plans, diagrams, etc., and some additional papers and plans furnished by John R. Niernsee, architect to the trustees, compose the present volume.

Great advances have been made of late years in the art of constructing hospitals, and we in America may fairly claim to have led the way in the improvements which have been effected. The capitals

of Europe have long been provided with great and costly hospitals, built, for the most part, many years ago, ill adapted to their purposes, but yet, apparently, too valuable to be sacrificed for more modern and less defective structures. Not only the buildings themselves, but the superannuated traditions attaching to them, have stood in the way of desirable innovations, and have perpetuated the routine treatment, with which the exigencies of medical charity have often been met. In America, on the other hand, a clear field was afforded for the exercise of the practical ingenuity which distinguishes our people; and when the War of Secession created a call for hospitals on a scale that had never before been recognized as necessary, the result was the acquisition of a practical experience of new and improved modes of hospital construction which now yields its ripest fruits in the exceedingly valuable contribution to sanitary science now before us. Our success in this direction has been widely recognized, and American hospitals are now cited everywhere as models, showing the nearest approach yet made towards realizing the requirements of a perfect institution.

In Europe, in consequence of the defective character of the generality of hospitals, the insanitary conditions, to which the term *hospitalism* is applied, have become endemic; to counteract these noxious influences, a variety of *antiseptic* methods of treatment have been devised, and used with varying success. In America, on the other hand, we have coped with the difficulty in another way, as was noticed by Mr. Erichsen, the distinguished English surgeon, during his visit to this country in 1874. Mr. Erichsen pays such a high tribute to American hospitals, and, at the same time, so plainly sets forth the objects to be sought in the construction and the management of such institutions, that we are tempted to reproduce what he said on this subject on his return to England.

"Antiseptics," he said, "do not appear to be much, if at all, employed, at least in a methodical form. . . . . Indeed, antiseptics are not so much needed in the American hospitals as in ours. The object of antiseptics is to prevent the contamination of a wound by septic influences from without. These sources of contamination do not exist, in such hospitals as those that I have been describing, to the same extent that they do in less perfectly constructed and less hygienically conducted establishments, and hence antiseptics are proportionately less needed. In America, it is attempted to accomplish by improved construction of hospitals, and by close attention to hygienic requirements, those great results which we are here driven to attain by 'antiseptic' methods of treatment. . . . . If the constructors and conductors of hospitals were acquainted with or would adopt these hygienic rules on which hospitals should be built and managed, if hospitals were not overcrowded, if the sys-

tem of ventilation were perfect, if there was a continuous water-supply, a proper isolation of wards and distribution of patients, the causes of septic diseases would not be generated. Those foul and filth-begotten diseases, pyæmia and hospital gangrene, would disappear, and antiseptics, in the absence of septic influences, would become unnecessary."

The hospital plans here gathered together exemplify all the improvements and innovations which experience has approved or theory has suggested, and in them we find fully represented the present state of our knowledge, as regards the principles on which hospitals should be constructed and managed. The diversity of opinion, however, which prevails among the contributors concerning some of the most important questions, such as the superposition of wards, ventilation, etc., shows that further experience and investigation are likely to be needed before conclusions can be definitively arrived at on these points.

A hospital is a microcosm, so complex and multifarious in its organization, that the mere enumeration of its component parts and apparatus would exceed the space at our command. To analyze and compare the five sets of plans here assembled is therefore impossible within the necessary limits of this notice. On one only, of the many topics which arise for discussion, we will venture to offer a few remarks. We refer to the organization of the medical school, of which the hospital is to form a part.

We cannot but consider it eminently desirable that every effort should be made to improve the valuable opportunity now afforded for raising the standard of medical education in this country. The indications presented thus far appear full of promise. Johns Hopkins himself pointed the way when he expressed his "wish and purpose that the institution shall ultimately form a part of the Medical School of the University" founded by him, and the trustees have called upon the contributors of plans to consider the adaptation of the hospital to purposes of clinical instruction. In this connection the suggestions of Dr. Billings, on the "Relations of the Medical School to the Hospital, and on the Organization and General Plan of Management," appear to be deserving of serious consideration.

"If," he says, "the course of medical education proposed is to be that usually given in this country, and to the class of students which form the majority of those now attending our medical colleges, it will be extremely difficult, if not impossible, to devise a hospital which shall equally subserve the best interests of the patients and the convenience and wishes of the students and professors.

"I am decidedly of the opinion, however, that we have at present in the

United States not only enough, but too many of the ordinary sort of medical colleges, and that the opportunity which is now presented of forming an institution for medical instruction which, being entirely independent of students, can, therefore, afford to consult their welfare instead of their wishes, is one of which an attempt should be made to take the fullest advantage, and such, I have reason to believe, is the intention of the trustees.

"It seems to me that this school should aim to produce quality, and not quantity; and that the seal of its diploma should be a guaranty that its possessor is not only a well-educated physician, in the fullest sense of the word, but that he has learned to undertake, without danger of failure from not knowing how to begin, the study of some of the many problems still awaiting solution.

"It is not desirable that the classes should be large. In fact, as the results of such a school become manifest, and the value of its diploma is understood, they may become too large for convenience in practical clinical instruction. A class of half a dozen such as I would wish the graduates of this school to be, would be a more satisfactory result for a year's labor than as many hundred turned out on the ordinary pattern.

"The means of attaining this end are sufficiently well known: a high standard for admission; a four years' course; rigid and impartial examinations, preliminary, intermediate, and final; and practical work in the laboratory and apothecary's department, the microscope and photograph rooms, and the dispensary and wards of the hospital.

"If this be the sort of medical school intended, there are no difficulties in connecting the hospital with it."

When we consider the present low condition of medical education, as carried on in the generality of our institutions of learning, we can appreciate the high value of such an organization as is suggested by Dr. Billings. Prof. H. C. Wood, Jr., of Philadelphia, in a recent paper on Medical Education (Lippincott's Magazine, December, 1875), to which we must refer our readers, and which contains a most convincing and humiliating exposition of our shortcomings, says that

"There are now in the United States over a hundred medical colleges, whilst the natural demand would call for not more than a dozen. . . . The schools vie with one another in shortening the period of study, so that at present a course of nine consecutive months will, in some of our Western cities, convert the veriest boor almost without experience into a regular physician. A mock examination closes the farce, after which the tragedy begins."

In the Harvard Medical School, Prof. Wood recognizes a praiseworthy exception: —

"Its medical diploma," he says, "is the *only one* issued by any prominent American medical college which is a guaranty that its possessor has been well educated in the science and practice of medicine."

As a consequence of the facility with which medical degrees are obtained in this country, there were, in 1874, besides all the quacks undisguised by any diploma, nearly five times as many duly qualified medical graduates in the United States as in the German Empire, the populations of the two countries being about equal.

In conclusion of this too short and inadequate notice, we would state that this very valuable treatise upon hospital construction, the earliest outcome of the enlightened liberality of Johns Hopkins, is exceedingly creditable to its authors, and augurs most favorably for the future execution of the important duties assigned to the trustees.

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14. — *History of the Army of the Cumberland; Its Organization, Campaigns, and Battles.* Written at the request of Major-General George H. Thomas, chiefly from his private Military Journal and Official and other Documents furnished by him. By THOMAS B. VAN HORNE, U. S. A. Illustrated with Campaign and Battle Maps, compiled by EDWARD RUGER, late Superintendent Topographical Engineer's Office, Headquarters Department of the Cumberland. Two Volumes and Atlas, pp. xiv, 454, 478; and 22 Maps. Cincinnati: Robert Clarke & Co. 1875.

WHOEVER writes a new history of any portion of the recent War of the Rebellion must be prepared to plead, in justification, either that he narrates facts never before published, or that he brings to his task qualifications superior to any hitherto displayed in the same undertaking. The day of readers eager for any kind of narrative on this topic has long since passed; and any one now seeking audience of the public must submit to be challenged as to his capability, as well as to his knowledge of facts. Chaplain Van Horne had, in the preparation of his History, peculiar advantages. The work was undertaken at the special request of that one of the commanders of the army who had been identified with it from the beginning; who furnished the author with copies of all the documents in his possession, and with his own private military journal; whose name is a synonyme for fidelity, honor, and integrity; and who gave, as his only injunction, "Write nothing but the truth." If Mr. Van Horne has fulfilled that injunction to the letter, it is equally sure that he has failed to tell the whole truth; for what he has omitted to tell is, in many instances, of nearly equal importance with what he has told. General Thomas was not always a good judge of human nature; and his choice of men to perform any special work did not always prove the best.

But, whatever its excellences or shortcomings, this history must necessarily, for a long time to come, be the only one we are likely to have of the operations which it undertakes to relate. It is one of the most, if not the most, complete and thorough of all the histories yet written of any of the armies organized for the suppression of the Slaveholders' Rebellion. It is issued, also, in a manner worthy of the subject. The volumes are so handsome and well printed that it is a pleasure to look at them. The Atlas contains the most detailed and clearest maps of all the campaigns and battle-fields of the army we have ever seen. An excellent index supplements the second volume, and there is added an illustrated paper on Block-Houses, by Colonel W. E. Merrill, of the United States Engineers, which presents a most admirable summary of that method of defence for railroads or other lines of communication, against the assaults of an enemy. Indeed, this paper would make a capital text-book on the construction of that kind of military defences.

The first volume brings the history down to the close of the year 1863, and contains accounts of the battles of Mill Spring, Shiloh, Perryville, Stone River, Chickamauga, and the series of actions near Chattanooga, in the November of that year. The second embraces the remaining period of the war, including all the battles of the Atlanta campaign, together with Franklin, Nashville, the capture of Savannah, Bentonville, and Averysboro'. In the account of these campaigns and battles — covering such vast territory, and including such far-reaching results — there is ample room for the highest characteristics of historical and descriptive writings. It is to be regretted that these qualities are not possessed by Chaplain Van Horne. As a consequence, his work lacks that grace of style and grasp of thought without which it is impossible to be a great historian. This History owes more to the army than the army owes to it. He has not magnified its deeds; it is the interest they have excited which impels us to accept, and with pleasure, the narrative he has written.

But in spite of these defects, every page bears witness to faithful study of all such sources of information as were afforded him, and a clear purpose to tell, in plain terms, and without comment, or theory or analysis of motives or character, exactly what occurred, from the feeble beginnings of that army in the summer of 1861 to its dissolution in the autumn of 1865, after a career full of honor and almost unchecked success. The entire freedom from everything like a controversial spirit is creditable, though it may detract from the interest of the work, in the view of those readers who would prefer a more partisan or personal narrative. There is also a conspicuous lack of

those fictitious elements which might cause a greater momentary popularity, and it affords, in this respect, a very striking contrast to the mass of hasty and ill-digested "Narratives" and "Memoirs" which have hitherto passed current as history.

Another deficiency, which detracts from the value of the work, is the omission of any account of the generals by whom the army was commanded, or of their appearance, character, or abilities. Indeed, they have no more personality, in these pages, than the chorus in a Greek drama. Each of the three successive commanders, Generals Buell, Rosecrans, and Thomas, appears by name, in his own proper place, and day and date of their actions are given; but for all we learn about the men themselves, they might as well have been automatons. Yet each of them had very marked and distinguishing qualities, which led, in a greater or less degree, to the results of their several military careers. A careful and impartial analysis of their characters would throw strong light on their deeds. Indeed, without such analysis, it is impossible for any one, who did not know the men themselves, to understand fully the battles of Perryville, Chickamauga, and Nashville, — in which they respectively commanded, — or the causes which led to the retirement of Generals Buell and Rosecrans from their commands, and the slights, which, under the circumstances, were tantamount to removal, put upon General Thomas.

Passing from these general criticisms, we propose to comment, somewhat in detail, on some of the leading events mentioned in the History. The attitude of Kentucky, in 1861, was one of the leading factors in the course pursued by the Government for the suppression of the rebellion. The History, therefore, very properly opens with a summary of political and other events in that State, whose "neutrality" was so pronounced that, when recruits for the Union army began to flock to the national standard, they could find no rendezvous on "neutral" soil, but were obliged to cross the Ohio river to find, in camps of instruction in Ohio or Indiana, a refuge for the patriotism forbidden loyal Kentuckians within the limits of their own Commonwealth. How this sham "neutrality" was broken by the seizure of the stronghold of Columbus by the rebel General Polk, and the threatening of Louisville by General Buckner, is clearly and succinctly told; and it is a chapter whose political lessons are worthy of study. The assignment of General Robert Anderson, of Fort Sumter fame, to the command of that Department, his supersedure by General W. T. Sherman, and the wonderfully active and anxious movements of the latter, during the hurried month of his command, are briefly stated. But one seeks in vain, in the constrained and

formal style of these earlier chapters, any indication of the intense, almost agonized, interest inspired by those days of fervent devotion. The gathering of the recruits, the camps of instruction, the mustering in, the march toward the theatre of impending conflict, the assignment of the scattered regiments to brigades and divisions, the wonderful exploits on the skirmish-line and at the outposts,— none of these things, which, at the time, constituted all there was of war, and which filled all hearts and minds, are even alluded to. Indeed, a most valuable chapter of military instruction is wanting, through the omission of these details. Nor can the misnomer in the titles of some of the chapters in this portion of the work be overlooked. For instance, Chapter V. is called "Operations of General Thomas under General Sherman"; Chapter VI. "Operations of General Thomas under General Buell." The implication is that General Thomas was, at this time, the chief personage in the Department, whereas, in truth, his name was scarcely known until some time after the battle of Mill Spring. He was first a brigade and then a division commander, merely carrying out the orders of his general. The foundation of the great and deserved reputation he afterwards won, as a consummate soldier, was laid in the training he here received; but he was a subordinate, and the undue prominence here given to his name is as unjust to him as to his chief, for a more obedient and loyal subordinate never drew the sword.

Up to the time of the assignment of General Buell to the command of the Department,* in November, 1861, all movements had been fragmentary and chaotic. Now great projects were set on foot. Indeed, the History might almost be said to begin with Chapter IX., which gives an admirable general view of the situation, written with clearness and containing many facts hitherto not widely known. Here one may gain a real insight into the plans which resulted in the capture of Forts Henry and Donelson, the disorderly retreat of the Confederate forces, the occupation of Nashville, and the opening of the whole valley of the Cumberland and Tennessee Rivers, including Northern Mississippi and Alabama, to the national forces. These plans have not heretofore been fully presented; and, as a consequence, credit has been given and withheld, unjustly, because ignorantly. As Chaplain Van Horne truly says: "Had not General Buell sent these troops (a division of his own army) before he had been requested to do so, the issue at Donelson might have been very differ-

* On General Buell's assignment the name given was "Department and Army of the Ohio"; but on his being relieved, the original name, Army of the Cumberland, by which it is known to history, was resumed.

ent; as, even with their efficient aid, success was at one time doubtful in the extreme."

The account of the advance, by General Buell, from Nashville to Savannah, and the part he took in the battle of Shiloh, though fair to that general and to his army, is compressed into smaller space than its importance deserves. That battle was scarcely second in results, as well as in magnitude, to any of the great conflicts of the entire war. The forces of the enemy were computed by General Grant at 100,000 men, and admitted, by themselves, to exceed 40,000; while General Grant's strength was estimated by the enemy at 45,000 on the first day, reinforced by 33,000 on the second; whereas it was really 33,000 on the first day, with 18,000 reinforcements on the second. A victory by the enemy would have opened to him the whole of the Tennessee and the lower Ohio Rivers, and given him a fleet of transports sufficient to move his entire army. The consequences can scarcely be conceived. As the facts involved in the battle itself have been discussed with every degree of partisanship and crimination, no better opportunity could possibly offer for an exhaustive treatment of the whole question, from the very inception of the campaign. Incomplete as the account is, however, it throws much new light upon the subject; and no one can know the real facts of the case, unless he reads this history. No controversial attitude is assumed; and no one would ever suspect, from anything said, that there had been a fierce discussion as to whether or not Sherman was surprised by the morning assault of the enemy; whether the national troops, under General Grant, were defeated in the first day's fight; whether Buell was tardy in coming up to the work; and all the other sharp controversies which have since arisen in regard to it. The chapter devoted to the battle reads more like a judicial decision of the whole case than a narrative of a series of events, concerning which there have been such disputes that almost every one is, of necessity, deemed more or less a partisan. The conclusion reached is, that "The compact line of the Army of the Ohio, the absence of all stragglers, the space it occupied in the battle front, the way it was handled, and the manner of its fighting from flank to flank, give it a record for discipline and valor, in its first great engagement, that will not suffer in comparison with that of any other army, or any other field of the war."

In the endeavor to do justice to this army, Mr. Van Horne allows to pass unnoticed a singular error. He quotes, without comment, from General Sherman's report of the battle, two passages about "the well-ordered and compact Kentucky forces of General Buell," and

"General McCook's splendid division from Kentucky." It happened that, of all the troops in General McCook's division, there was but a single Kentucky regiment. Whatever the animus of General Sherman's report, — belonging, as he did, to another army, and unacquainted with the organization of General Buell's troops, — such an error should not have been allowed to pass unnoticed.

Corinth was occupied by the national forces in June, and General Buell was immediately after ordered to undertake once more a campaign into East Tennessee. What he accomplished, and in spite of what obstacles, is told with fairness and with considerable detail; as also are the causes which prevented the full carrying out of his plans. The problem before him was, how, with an army of about 60,000 men, all told, to guard four hundred miles of railroad, and, at its extremity, to concentrate a sufficient force to conquer an army of equal numbers to his own, already concentrated and prepared, and which, for seven weeks, had resisted the efforts of three times its numbers to defeat or disperse it. We here learn what efforts he made, and how vain they were. But the account is far less complete than it should be; and the erroneous heading to the thirteenth Chapter — "The Retreat of General Buell to Louisville" — tends to confirm the thoughtless misjudgment in regard to that movement. Indeed, Mr. Van Horne himself contradicts the heading he has given; for, in that very chapter, he says that the "solution of the problem was the rapid advance of the army to Louisville." This was, in fact, the only thing left for General Buell to do, when he found that General Bragg had passed his flank. But it was no more a retreat than was McClellan's movement from Washington to Antietam, in the same autumn; or Meade's from the Rapidan to Gettysburg, in the following year; or Sherman's from Atlanta to Savannah, in the autumn of 1864; nor, indeed, so much as the latter, for Sherman marched away from the enemy, while Buell marched against him.

The History clearly shows that Bragg's purpose in coming into Kentucky was to draw away General Buell's army from Tennessee to the Ohio River; the defeat of the national troops at Corinth, by General Van Dorn; the entrance of a large Confederate force into Eastern Kentucky; and the final concentration of them all into one overwhelming army, which should capture the army of the Ohio or drive it across the river. Then a permanent insurgent government was to be set up in Kentucky, and that State held definitively to the Confederacy. The success of Kirby Smith, and Bragg's own movements, gave a momentary appearance of triumph to this comprehensive scheme. But Van Dorn's defeat at Corinth, the rapid move-

ments of Buell, and his own defeat at Perryville, put an end to the brief dream, and compelled Bragg to abandon himself to disappointment and disaster.

The march of General Buell from Murfreesboro' to Louisville, in pursuit of his old adversary, and the skill and rapidity with which he drove Bragg from Kentucky, may be gathered from the study of the History, but all the facts of the case are not brought out. The causes which led to his being relieved of command are not even alluded to, nor is there any mention of the military commission which investigated his campaigns. Mr. Van Horne also omits — apparently as not germane to the subject — any reference to the appointment of Andrew Johnson as Military Governor of Tennessee, and the train of consequences which resulted therefrom. It is a chapter full of interest, which should be written. The influence for mischief which the nation subsequently found him capable of, by no means commenced on the 4th of March, 1865. Nor is there any allusion to the steps taken by General Rosecrans, after his assignment to command, to create more favorable action on the part of the citizens of Tennessee toward the Government, as an alternative to their banishment from the Department.

Not much new light is thrown upon the battle of Stone River. It is singular that no allusion is made to the conspicuous and daring activity of General Rosecrans, which gained for him the admiring affection of the army to which he had so recently been called; nor to the quarrel which sprung up between Generals Bragg and Breckinridge, leading to the speedy retirement of the latter from active service; nor to the personal ill-feeling bred between the national and the rebel commander, in consequence of an alleged violation of a flag of truce by the latter; nor, indeed, to anything showing a careful study of the interior history of the campaign.

The movements from Murfreesboro' to Chattanooga are described in detail, and much space is given to the battle of Chickamauga, which, taken in connection with all its consequences, was, in many respects, the most important action of the war. Mr. Van Horne clearly shows how the preliminary operations had placed Chattanooga, the key of the position and the gateway to the gulf and the Atlantic seaboard, in the possession of the national forces; how the issue of that battle led to the union of all the armies of the Southwest under one commander, brought reinforcements from the Army of the Potomac, and, at last, realized the objects which General Buell had so strenuously, but vainly, undertaken to accomplish more than a year before, but with means, as is now seen, ludicrously

inadequate to the task. It is no more than the event demands, therefore, that to this pregnant period, from the early days of September to the end of November, 1863, should be given a greater space in the History than to any other events covering a similar length of time. One third of the whole first volume is devoted to these three months. It is not too much space, when we consider the greatness of the operations and their results. But Mr. Van Horne seems not to have caught the thread by which these events are interwoven, and formed into one homogeneous whole. And, though the style in which the accounts of the battles of Chickamauga and Chattanooga are told is far more lively and interesting than the style of the earlier chapters, yet it is too much like the routine official reports, which are generally so void of life and spirit that only the fact that they involve matters of national and human destiny invests them with the slightest interest.

We have devoted so much space to the first volume that only a brief glance can be given to the second, which deals almost exclusively with the closing year of the Rebellion, beginning (after a short summary of preceding events) with the movements against Dalton in May, 1864, and ending with the capture of the fugitive chieftain of the overthrown Confederacy in May, 1865. It is noticeable that, from the time General Thomas assumed command of the army, events are related much more in detail. This is doubtless due to the fact that, as Commander, General Thomas had control of all sources of information, and was thus able to furnish Mr. Van Horne more complete and ample documents than before. The events of the Hundred Days, from Chattanooga to Atlanta, involving daily fighting, and including seven pitched battles, are not narrated with the spirit and vivacity which belongs to the story of aggressive war on a large scale. The accounts given of the battles of Franklin and Nashville are far better; indeed, they are the best in point of style of any portion of the History. But the Atlanta Campaign and the march to the sea appeal far more strongly to the imagination, and give much more verge and scope for historical description. The battles of Franklin and Nashville were in one sense forced upon General Thomas, and furnish almost perfect examples of the manner in which battles should be fought. In this respect there is nothing in any of General Sherman's campaigns to compare with them.

We have space only for one other criticism, and that involves a question of the thoroughness of Mr. Van Horne's History, in a single particular. He observes absolute silence in regard to the operations of the Army of the Cumberland on the 22d of July, 1864, in front of Atlanta. General Sherman twice affirms, in his

Memoirs, that he sent orders to General Thomas to enter Atlanta if possible on that day. He does not quote any written order, and as General Thomas nowhere mentions ever having received such a command, his silence furnishes a strong presumption that he did not receive it. It is to be regretted that Mr. Van Horne passes over the matter so entirely, since it is a question which any complete history must, at least, try to answer, whether such an order was sent, and if so, whether General Thomas received it, and what his action was in regard to it.

We have purposely dwelt at much greater length on the events related in the first than in the second volume; both because the former do not seem to be so adequately dealt with, and because they have not been so generally known and studied as the latter. In regard to the work, as a whole, we believe the general verdict must be one of more or less disappointment at the manner in which Mr. Van Horne has acquitted himself of his selected task. No greater or more stimulating subject ever fell to the lot of the historian. But he does not appear to have mastered and subordinated to the best uses even the material at his command; much less to have obtained access to material other than that furnished by official documents. As a consequence, we have a narrative pure and simple, rather than a history, in the better and more philosophical sense. It may be said that to have gone behind the official reports would have entailed controversy and discussion. But that is no valid reason for confining one's self so exclusively to the official record as to deprive the work of all flavor of originality, spirit, and life. Nor should a historian be deterred, by such considerations, from presenting all the facts, from any sources to which access is possible.

It is also greatly to be regretted that the admirable mechanical execution of the work is marred by occasional typographical errors of a rather exasperating kind. Especially is this the case in regard to the names of a number of the officers, which in some instances are invariably misspelled, and in others have different spellings on different pages. Even the dead are not deprived of the glory which comes from "falling in battle and having their names misprinted in the gazette."

But, when we have expressed to the utmost the sense of disappointment that this history is no better than it is, there remains the refreshing fact that it is nowhere tarnished by any unworthy motive, or marred by any conscious deviation from the truth. Every line tells of the faithful purpose to adhere rigidly to facts, and to refuse to be turned aside, for one moment, from the high standard which the author held steadfastly before him.

15. — *Germanische Rechtsdenkmäler, Leges, Capitularia, Formulæ. In Auszügen und Proben mit Einleitung, ergänzenden Geschichtszeugnissen, Anmerkungen und Glossar zum academischen Gebrauche herausgegeben von* Dr. Heinrich Gottfried Gengler. Erlangen, 1875.

This book is the indispensable companion to the work undertaken in common by Messrs. Loersch and Schroeder, noticed in the number of this Review for July, 1874. The happy results attained by the institution of seminaries in Germany, and every day still produced by them, are well known. Under the direction of the professor, the scholar is put in direct communication with the sources, — an exercise which rouses the critical faculty, forms the judgment, and creates historians, instead of addressing itself solely to the memory. Such seminaries have long existed for the study of history proper, but a gap was still remaining in the history of institutions among different people. Considerable and very costly materials were necessary for these practical studies, at least so far as concerned Germanic institutions, and one may say the institutions common to nearly all Europe during the Dark Ages. It must be always difficult for the student to procure the collection of the *Monumenta Historiæ Germanica* of Pertz, the charters of Brequigny-Pardessus, of Beyer, of Lacomblet, etc., etc. If the professor intends that his scholars shall have the opportunity to form an opinion of their own on the value of his assertions he must hold his conferences in his own rooms in order to have a sufficient number of copies, or, indeed, any books at all at hand. Libraries may, indeed, assist him ; but under the best of circumstances the work is none the less very troublesome, as the author of this notice can himself testify from personal experience at Berlin, at Göttingen, and elsewhere. With a purely practical purpose, Dr. Gengler now presents in a systematic order the texts of the Merovingian and Carolingian periods, so far as they relate to institutions. The choice of these texts is judicious. They are drawn from the editions which claim highest authority ; and although many reservations must be made on the value of the edition of the Capitularia in the first volume of the *Leges*, by Pertz, it will still be sufficient for a long time yet for all the needs of young students. Dr. Gengler has prefixed to his extracts an historical introduction to the legislation of the different peoples of the Germanic family, which is well done, and presents the last state of scientific knowledge on each question. No one but an adept can, however, afford to read more than a very little of this introduction at a time, for it is excessively condensed, and assumes

in the reader a considerable familiarity with scientific work. Nor does Mr. Gengler always escape the charge of obscurity; his phrases, as in the old German historical school, are inordinately long (see pp. 21, 24, 25, 26, 32, etc.). We might also object that his chapters on the Celts and the Slavic and Wendish peoples are out of place in an introduction to Germanic institutions. The author has not only given a great deal of valuable information in his notes, but has not in his text limited himself to the merely legal side of his subject. He gives from contemporary historians the passages which throw light on principles of law; not only from the Germania of Tacitus but from Gregory of Tours, Einhard, Nithard, etc. The *Leges* are followed by the letter of Hincmar, *De Ordine Palatii.* A selection of formulas relating to transactions of private law, and some other important fragments, close the volume.

Further, Mr. Gengler has increased the value of his collection by adding a Glossary of Technical Terms, borrowing many of the meanings from the latest scientific works, philological, historical, and especially juristic. At best our knowledge of this mediæval Latin, so fluctuating and so little decided, is by no means complete. This Glossary, therefore, is sure to be welcome to students, and it is full enough to be of real value to them, even though a careful examination may detect some omissions; as, for example, meanings for the words *cawarfida*, *gezunfti*, *wargida*, *wiffare*, *mundana lex*, *herisliz*, *marrire*, *tortum* (in its legal sense), *scubia*, *sculca*, *saltarius*, *broilo*, *heriszuph*, *scach*, *scachcator*, *coclearius*, *bauga*, etc. Such imperfections are the inevitable accompaniment of every glossary, and in no way interfere with the thanks due to Mr. Gengler for having brought the study of this very interesting subject within the reach of academic instruction.

M. T.

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ART. I. — 1. *Speech of the Hon. L. Q. C. Lamar of Mississippi.* Congressional Record, August, 1876.
2. *Speech of the Hon. J. A. Garfield of Ohio.* Congressional Record, August, 1876.

THE Southern Question, as it is somewhat vaguely called, — for it is much larger than a mere sectional question, — has been the shame and perplexity of our politics for the last ten years. Difficult enough in itself, it has become so entangled with party purposes, that its discussion is a snare to the feet of honest men; and yet it must be discussed. Its solution is imperatively demanded in the interest of the whole country, for as it stands to-day it is becoming an absolute danger to all healthy habit of political thought and all proper and constitutional method of administration.

It is therefore with pleasure that we find the dreary waste of the Congressional Record abruptly broken by two speeches of more than ordinary elevation. The effort of these speeches was to raise the discussion of the Southern question above the plane of mere partisan argument, and it has been successful. Of course a certain party character must attach to Congressional speeches on the eve of a Presidential election, but in this case not more than sufficient to relieve and illustrate the discussion. The speakers were both men of recognized ability, genuine representatives of widely variant constituencies, and exceptionably thorough exponents of the conflicting interests

and sentiments which provoked the debate. The issue was made clearly, strongly, and fairly, and the contention was sustained with earnestness and eloquence. We propose to review these speeches, to appreciate justly the character of the question raised, and the methods of solution advocated on the one side and the other. It will, however, be necessary to say a few words in explanation of the point at which we propose to take up the argument of Messrs. Lamar and Garfield.

That the issue which was made by the late civil war had to be met sooner or later in the life of the United States, no one familiar with their history can doubt. The Declaration of Independence and the Constitution were only landmarks on a road, the direction of which we all know, but the terminus of which is as much beyond our ken as it was beyond the vision of the men who framed them. That a government completely and admirably suited to thirteen sparsely settled and just emancipated colonies, with no prescience of the future and a good many lingering prejudices of the past, would or could exist without great modifications, was simply impossible. You might as well expect the great Cumberland road and the old mail-coach to do the work of our railroads and telegraphs. And this is just what the Federalists, a party certainly led by statesmen of larger ability than this country has ever since possessed, understood thoroughly. They intended the Constitution to be expansive. They expected by Presidential influence and judicial legislation to extend and consolidate the power of the government. But there were three difficulties in their way which no political ability could overcome. First, the country had no centre of social influence corresponding to the political influence of the government, and history proves that no great civil change can be effected without such a combination. Second, the comparative weakness of the Federal government, consequent upon this condition of things, and the powerful traditions of colonial consequence, gave time and opportunity for the development of strong State feeling; while the dependence of the senatorial elections upon the State legislatures gave a pre-eminence to the interests of State politics fatal to any such consolidation. And, lastly, the influence of the French Revolution colored the

sentiment and excited the sympathies of the people so strongly as to give an irresistible democratic bias both to our local and national politics. The Federal party, therefore, although it had Washington's sympathy, Hamilton's brain, and the strong will of the elder Adams, failed utterly, — so completely, indeed, that even to this day no one has ventured to do it historical justice.

Mr. Jefferson's election having worked a complete revolution, the State-rights theory became the authorized and authoritative construction of the Constitution; and from his term down to General Jackson's election it manifested its vigor and its virtue. There was no undue development of contending sectional interests, the power of the Federal government was not huge enough to overshadow State pride or too greatly to diminish State power, and the personal tone and temper of our leading statesmen still fairly represented the traditions of culture, wealth, and character which attached to the great personages of our early history. But the close of General Jackson's administration clearly showed what had become of the theory of State rights. Almost all the questions which made the politics of his day divided all the States alike, — the United States Bank, internal improvements, the tariff, the currency. On all these questions there was an administration as well as an opposition party in every Southern as well as in every Northern State. Even in South Carolina, Mr. Calhoun's own State, there was a large and powerful Union party in opposition to the nullification movement. But this could not conceal the fact that the principle of Jackson's administration was the rule of the numerical majority of the people of the whole country, — a principle not inconsistent in practice with State rights so long as the States were politically divided in themselves, but utterly opposed both to the practice and to the theory of State rights whenever it should happen that the States themselves became the parties of a minority and a majority. So true was this, that Mr. Calhoun, the chiefest of its champions, who had taken up the theory where Jefferson left it, who perfected and adapted it to the wants of his section, but who found it break to pieces in his hands as a weapon of defence, was driven to the further step of minority representa-

tion, and bequeathed, as the dying legacy of his long, practical experience, the doctrine that the only safety of the South was a dual executive, — the abstract idea which in its concrete form was surrendered forever with General Lee's sword at Appomattox.

For while the extreme democratic doctrine of the absolute right of the numerical majority had become the principle of the government, the majority and minority had been concentrating within sectional lines, and assuming to each other a position of implacable hostility. When, therefore, in his last diplomatic circular to the foreign ministers of the United States, Mr. Buchanan said, "You are of course aware that the election of last November (1860) resulted in the choice of Mr. Abraham Lincoln; that he was the candidate of the Republican or Antislavery party; that the preceding discussion had been confined almost entirely to topics connected directly or indirectly with the subject of negro slavery; that every Northern State cast its whole electoral vote (except three in New Jersey) for Mr. Lincoln, while in the whole South the popular sentiment against him was absolutely universal," it was evident that the time had come for a new departure in American politics. Whether that departure could have been in a peaceable direction, it would be very idle now to inquire. The war came. The war ended in the complete and irremediable defeat of one of the parties to the conflict. Whether or not slavery was indirectly but absolutely the real issue in the controversy, it is clear that at its inception the question was as to the constitutional relation of the States to the Federal government. But in its progress the North did what every people at war have done, and will ever do. They struck where they could strike hardest. They abolished slavery, and any discussion now of the motive or technical legality of this action is simply absurd. The fact is undisputed and undisputable, and it is with its consequences alone that statesmen have to deal.

Upon the surrender of General Lee, then, there were two questions at once presented to the statesmanship of the country, the one very much complicating the other. The first was, What is the relation of the seceding States to the Union as interpreted by the war? the second, What is the relation

of the newly emancipated slave to the society in which he found himself free? both to be solved, not in the interest of the North or the South, of the master or the slave, but in the interest of that nation the existence and reality of which the war had assured; and both questions needing immediate solution to enable the country to resume and develop its natural and healthy life. No language can exaggerate the importance of these questions to us and their consequence to the future, not only of this country but of civilization.

Let us begin by admitting frankly and stating fairly the great difficulties of the questions with which the Republican party had to deal in 1865. For it must be remembered that at the time of the surrender the Republican party was in broad general sentiment and policy the United States. That section of the Democratic party — if it had extent and coherence enough to be called a party — which was opposed to the war could scarcely venture to hold, much less to express, an opinion, and the South was simply a vanquished territory. The North looked upon the war of secession as a wicked and unnatural rebellion; the national feeling which lay, as it were, latent in its people, had been excited into heated and patriotic enthusiasm by the varying fortunes of the struggle; in almost every household were the memory of bitter sacrifice and the pride of overwhelming success; and now, after long years of wearying hope and fear, after the lavish expenditure of untold wealth and uncounted lives, the great triumph was won. The Union had been preserved; and what more natural than that first resolution, that it should never be so perilled again? But how? Who had been conquered and what was to be punished? The extreme theory which even Mr. Stevens never ventured to develop to its full logical consequence would have met one side of the difficulty. The leaders of the rebellion would have been decimated, the estates of Southern landowners confiscated, and the subjugated white man and the emancipated negro would have been governed by one great imperial despotism. But where was the despotism? It had to be created. Certainly such was not the United States, even excluding the Southern States which had seceded. The Union which had been thus preserved was a Union of States; and the United

States as they were after their victory, with the Constitution as it was even after it was widened and strengthened by war interpretation, could not have endured with such a burden as a subject South. The whole machinery of government would have given way under the pressure. Besides which, the American mind could not as yet conceive the idea of the Union without the States. The States had attempted to break up the Union and had failed. The Union had not attempted to destroy the States, and there they were, their arms surrendered, their armies disbanded, and no further hindrance to the execution everywhere of the laws of the United States. But, on the other hand, if these impalpable but indestructible States were back again in the Union with all their rights unimpaired, simply because they were beaten, where was the security for the future? Who made these States? The very men who had defied the Union and striven to destroy it at Manassas, at Fredericksburg, at the Wilderness. If these States were to be represented, who was to represent them? Was Mr. Davis to come back from Mississippi, Mr. Mason from Virginia, Mr. Slidell from Louisiana? Was the Confederate Congress only to adjourn from Richmond to the opposition seats in the Capitol at Washington? Such, indeed, might be the logic of the Constitution; but was such a thing natural or possible? Would the North, would any people who had gone through such a war, permit such a conclusion? Fairly considering the obstacles and the temper of public opinion at the North, every reasonable Southern man must admit the immense and intrinsic difficulties of the position.

On the other hand, what was the condition of the South? From the outset of its colonial settlement the civilization of the South was forced by the social and political elements that composed it to take a development, not only different from, but in some respects antagonistic to, the popular spirit and habit of the North. Slavery, which soon after the formation of the Union became the controlling influence of its fortune and creed, necessarily created a land and slaveholding oligarchy, whose interests and opinions shaped Southern policy and Southern sentiment; while the North was increasing its free population by an almost incredible rate of immigration, was building great

cities, straining every nerve to extend and perfect its means of internal communication, diffusing popular education, and thus becoming a powerful and active democracy. The political alliance between slavery and the Democratic party at the North to some extent and for some time concealed and delayed this antagonism. But the alliance was unnatural. Its consequence was to undemocratize the Democratic party and secure its final defeat, while its services to the South were only temporary, and, worse than that, delusive, by the false security it engendered. As General Garfield said, if not with entire accuracy, yet with force: —

"The Democratic party has been the evil genius of the South in all these years. They yielded their own consciences to you on the slavery question, and led you to believe the North would always yield. They made you believe that we would not fight to save the Union. They made you believe that if we ever dared to cross the Potomac or the Ohio to put down your rebellion, we could only do so across the dead bodies of many hundred thousands of Northern Democrats. . . . . And later, when you would have accepted the Constitutional amendment and restoration without universal suffrage, the same evil genius held you back. In 1868 it still deceived you. In 1872 it led you into

> 'A gulf profound as that Serbonian bog
> Between Damietta and Mount Casius old
> Where armies old have sunk.'"

As the progress of the disintegration of the Northern Democracy developed itself, the South was forced to concentrate its defence upon the constitutional theory of State rights. And it so happened that just at the point in our political history where the natural divergence of the two sections was becoming evident to even careless observers, a statesman was born to the South, the splendor of whose intellect, the purity and elevation of whose character, and the national breadth of whose fame, made him at once the idol and leader of his people. Driven by a series of events which we cannot now describe, and which, perhaps, politicians of less ability and more selfish purpose could have better controlled, Mr. Calhoun had reached that point, and had carried the South with him, where their belief and his was that their very existence was

in imminent peril, and where their only salvation lay in the exercise of the reserved rights of the States. Soon after, he died, leaving them the terrible responsibility of testing the practical value of this protection. Now, whatever may have been the truth or error of these convictions, this is certain, that at the date of secession the whole South, with no appreciable dissent, were earnestly persuaded that the contest was for their lives, their fortunes, and their sacred honor, and that they had, under a proper interpretation of the fundamental law of their political existence, the right to protect themselves by withdrawing from the Union. They applied the test. Their defence crumbled like the walls of a shattered fortress, and their flag of defiance sank into the dust forever. No language can accurately describe their condition. The Confederate government vanished; "the earth hath bubbles as the water hath, and this was of them." In sixty days, armies which had made the world ring with their heroic achievements, were dissolved, leaving, from the borders of Virginia to the boundaries of Texas, not even the nucleus of a guerilla resistance; and the people of the South, appalled, bewildered, stunned, gathered hopeless and helpless under the ruined shelter of their State governments. No man knew whether he was the citizen of a free State or the conquered subject of a foreign power. No governor knew whether he could execute a law, no judge whether he could pass a sentence. The industry of the country was paralyzed. Four millions of slaves were suddenly freed, and no one knew how far he was privileged to order, no one knew how far he was bound to obey. The whole currency, upon the circulation of which depended the daily life of millions of people, became in a few hours as worthless as dead leaves. For a moment there existed what has never before existed in civilized history, an utter dissolution of government, and society was held together only by common instincts and common necessities.

As if further to complicate and aggravate all that was perplexing and mischievous, Mr. Lincoln, of whom the South knew little, but of whom they did know that he was the representative man, in fact and in place, of the victors, was assassinated within a few days of General Lee's surrender, and Andrew Johnson undertook the solution of these problems.

The peculiarity of Mr. Johnson's position did not diminish his embarrassments. A Vice-President succeeding a President for the unexpired term of office has always in our history occupied a position of traditional trouble. He is not in sympathy with the opposition, and yet he is an interference with the party policy of which the President was the representative. All the personal interests of the old administration have been altered and confused by the change; and the larger the independence and integrity of the new Executive, the more impossible he finds it not to assert his individuality. Mr. Johnson's position was exceptionally difficult. He was a Southern man by birth, and a Democrat by profession. He was both of the things that at the moment were most odious to the Northern people. Nor did Mr. Johnson, in compensation for this weakness, possess the strength which would have come from the full confidence of the South. He was exceedingly unpopular at the South. He had represented for years, and prided himself on representing, the democratic element of Southern society. The great slaveholding oligarchy which governed the South was not his friend, nor he theirs; and the scorn and dislike with which the leaders of Southern opinion regarded him had more than once found bitter expression on the floor of the Senate. He could not act as a mediator between the victors and the vanquished. He could not speak for the North and say, This must be done. He could not speak for the South and say, This will be done.

The South ought not to forget, it will always gratefully remember, that Mr. Johnson's course, by the delay which it caused, afforded time for popular passion to cool, and for the intrinsic difficulties of the question to force themselves upon the consideration of thinking men; and that in all probability it saved the South from that severity of punishment which threatened its leaders, if not its people. But how utter was the failure of his plan of reconstruction the South knows only too well. We do not propose now to discuss it. All with which we are now concerned is, that after his defeat the Republican party set aside the Executive as a component part of the government, and proceeded to the administration of national affairs very much after the fashion of a committee of safety of

a French convention. Of their action it is only necessary to say here, that they framed and put into operation that system of reconstruction under which the governments of the Southern States have been created, and for the last seven years have been maintained; for at this point we propose to take up the argument of Mr. Lamar and General Garfield. Now we wish to state with all possible precision and clearness what we understand to be the issue of this controversy. As far as it is a mere political discussion as to the merits of Democrats and Republicans, clever and effective though it be, we are not interested in it. What the country wants is, that this Southern question be eliminated as a disturbing element from our national politics. The thinking men and the business men do not much care which party settles it, so that it is settled; what they wish is that whether the next administration is controlled by Mr. Tilden or directed by Mr. Hayes, the policy of this country shall be allowed to run its natural course, free from the disturbing influence of this bitter discord.

The issue, as we understand it, involves no change in the reconstruction acts. What is past is past. The State governments created by that policy have become the regular machinery of government; universal suffrage has been adopted. Nor is it necessary to appreciate the motives which induced that policy. It may have been the unavoidable result of the intrinsic difficulties of the situation, it may have been the reckless work of political passion; that makes no difference now. The undisputed fact is, that seven years of this rule have produced a condition of things which, making all allowance for exaggeration and misrepresentation on either side, is a disgrace and a danger to the country. Is there a remedy, and, if so, what is it? This is the question Mr. Lamar attempts to answer. In his answer he takes four positions as premises.

1. That the present condition of the South is the unfortunate but natural result of a sudden and unparalleled social and political revolution, which would have confused by its shock the peace and order of any society in the civilized world. In his own language, which for compact force and point cannot be improved, —

"To illustrate the disturbing force of this measure, let us suppose that in the six New England States and the States of New York and

New Jersey, whose population corresponds most nearly to that of our Southern States, in one night four million of unaccustomed, incongruous population, such as Mexicans and Chinese, should be incorporated into the political system of those Commonwealths, and by some paramount power outside of those States should be so compacted together as to gain control of all the departments of their government, of all the offices, all the institutions, State and municipal, — in a word, invested with the entire sovereignty of their body politic, I ask you would not the repose of society be disturbed ; would not all assurance of law, of healthful industry, of business arrangements and investments, — would not all confidence give way to dismay and perplexity, to restless fears, wild passions, and bloody scenes? Why, sir, the more splendid their political civilization, the more complex their system of laws, and the more perfectly adjusted their social and economic forces, and the higher the moral tone of their society, the more hideous would be the ruin and the more refined the agony of the people subjected to such a catastrophe.

"But the case as supposed is not as strong as the case which actually occurred in the Southern States. The four million of people who by a scratch of the pen were made citizens and crushed into our political system, the eight hundred thousand voters and office-holders and legislators and magistrates, had just emerged from the immemorial condition of slaves."

2. That the necessary consequences of such a revolution were recognized by the leaders of the Republican party in the protest of Mr. Hoar of Massachusetts, against the admission of New Mexico as a State, and the protest of Mr. Sargent of California, against the further immigration of the Chinese on the Pacific coast, upon the express ground that the Mexican and Chinese population were, from race, characteristics, and inferior intelligence, incapable of healthy assimilation into the body of American citizens. And still more emphatically by the earnest, profound, and eloquent denunciation of African suffrage by such eminent men as Governor Morton of Indiana, and Governor Andrew of Massachusetts, which we repeat here, both in justice to Mr. Lamar's argument and to the subject.

Extracts from the Speech of Hon. O. P. Morton, at Richmond, Indiana, September 29, 1865.

"I believe that in the case of four million slaves just freed from bondage there should be a period of probation and preparation before

they are brought to the exercise of political power. . . . . What is their condition? Perhaps not one in five hundred — I might say one in a thousand — can read, and perhaps not one in five hundred is worth five dollars in property of any kind. . . . . Can you conceive that a body of men, white or black, who have been in this condition, and their ancestors before them, are qualified to be immediately lifted from their present state into the full exercise of political power, not only to govern themselves and their neighbors, but to take part in the government of the United States? Can they be regarded as intelligent and independent voters? The mere state of facts furnishes the answer to the question. . . . . To say that such men, — and it is no fault of theirs; it is simply a misfortune and a crime of this nation, — to say that such men, just emerged from slavery, are qualified for the exercise of political power, is to make the strongest proslavery argument I ever heard. It is to pay the highest compliment to the institution of slavery.

"The right to vote carries with it the right to hold office. You cannot say that the negro has a natural right to vote, but that he must vote only for white men for office. The right to vote carries with it the right to be voted for. When that right is conferred, you can make no discrimination, no distinction against the right to hold office; and the right to vote in a State carries with it the right to vote for President and members of Congress and for all Federal officers. The right of suffrage being conferred in South Carolina for State purposes, under our Constitution, as I have before pointed out, carries with it the right to vote for President and Vice-President and members of Congress.

"If you enfranchise all the negroes in these States you will have at least twenty negro votes to one white vote; and in the work of reconstructing the States of South Carolina, Alabama, and Florida, you will have a larger proportion, — perhaps thirty colored votes to one white. Now, I ask you, what is to be the effect of that? The first effect will be, you will have colored State governments. Under such a condition of things the negro would no more vote for a white man than you up here would vote for a black man. They would no more elect a white man than you would elect a black man. Human nature is the same, whether in a white or colored skin. There could be nothing that would confer more pleasure upon a man of that race, of course, than the elevation to political power of a man of his own race and color. Having secured power, they would retort upon us that which we have so steadily practised upon them. If you give them the vote, they will elect men of their own color, and we would

have no right to blame them. We would rather think badly of them if they did not. I would ask you if the negroes of Hayti, or any other place where they are in a majority, have ever elected a white man to office. Under Mr. Sumner's plan you will give them an overwhelming majority in every one of these States, and you will give them the political power of the South.

"That they will exercise this power by electing men of their own color is absolutely certain. Believing that human nature is the same under different complexions, that the negroes are not differently constituted from ourselves, and that they have like passions with us, we cannot doubt how this power will be exercised. Some will say that it is all right; if they can find colored men qualified, all right. There are enough colored men of education in the North to go to the South, and fill every office there, and I have no doubt they stand ready to do it. Here we deny to them almost every right except that of mere personal liberty; and it is so in Illinois and many other Northern States; and when you present to them the prospect of holding the highest offices in the gift of the people of the Southern States, rest assured they will embrace it. They will have colored governors, and colored members of Congress, and senators, and judges of the Supreme Court, etc. Very well; and suppose they do send colored senators and representatives to Congress, I have no doubt you will find men in the North who will be willing to sit beside them and will not think themselves degraded by doing so. I have nothing to say to this. I am simply discussing the political effect of it. In every State where there is a colored State government, a negro for governor, and a negro for supreme judge, white emigration will cease; there will be no more white emigration to any such State. You cannot find the most ardent antislavery man in Wayne County who will go and locate in a State that has a colored State government. You will absolutely shut off at once and effectually all emigration from the Northern States, and from Europe, too, whenever that event shall happen. Thus they will remain permanently colored States in the South. The white men who are now there would remove from them; they would not remain under such dominion.

"Very well, say some; that is all very well, if we can get the negroes to go there. But let me say that the colored States would be a balance of power in this country. I ask, Is it desirable to have a colored State government? I say it is not; it is not, for many reasons. One reason is that such States would perpetually constitute a balance of power. They would be held bound by that most stringent tie that ever held men together, — the tie of color and race, the tie of

a down-trodden and despised race. As three hundred thousand slaveholders by a common tie were able to govern this nation for a long time, so four million people, bound together by a much stronger tie, despised by the whole world as they have been, would constantly vote and act together; and their united vote would constitute a balance of power that might control the government of this nation.

"I submit, then, however clearly and strongly we may admit the natural right of the negro, — I submit it to the intelligence of the people that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about and, I believe, would result in a war of races.

"Now the question turns up, how can this be avoided? If I had the power I would arrange it in this way: I would give these men a period of probation and preparation; I would give them time to acquire a little property and get a little education; time to learn something about the simplest forms of business and prepare themselves for the exercise of political power. At the end of ten, fifteen, or twenty years, let them come into the enjoyment of their political rights. By that time these States will have been so completely filled up by emigration from the North and from Europe that the negroes will be in a permanent minority. Why? Because the negroes have no emigration, nothing but the natural increase, while we have emigration from all the world and natural increase besides. Thus, by postponing the thing only to such times as the negroes are qualified to enjoy political rights, the dangers I have been considering would have fully passed away, their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen than it now is in Massachusetts. In Massachusetts the negroes have exercised political rights for twenty-five years, and yet there has been no disturbance there, no conflict of races. Why? Because the negroes have been in the minority."

Extract from Governor Andrew's Valedictory Address, 5th January, 1866.

"It may be asked, Why not demand the suffrage for colored men, in season for their vote in the business of reorganization? My answer is, I assume that the colored men are in favor of those measures which the Union needs to have adopted. But it would be idle to reorganize those States by the colored vote. If the popular vote of the white race is not to be had in favor of the guaranties justly required, then I am in favor of holding on just where we now are. I am not

in favor of a surrender of the present rights of the Union to a struggle between a white minority, aided by the freedmen on the one hand, against a majority of the white race on the other. I would not consent, having rescued those States by arms from secession and rebellion, to turn them over to anarchy and chaos.

"I only know that we ought to demand and to secure the co-operation of the strongest and ablest minds and natural leaders of opinion in the South. If we cannot gain their support of the just measures needful for the work of safe reorganization, reorganization will be delusive and full of danger.

"Why not try them? They are the most hopeful subjects to deal with, in the very nature of the case. They have the brain and the experience and the education to enable them to understand the exigencies of the present situation. They have the courage, as well as the skill, to lead the people in the direction their judgments point, in spite of their own and the popular prejudice. Weaker men, those of less experience, who have less hold on the public confidence, are comparatively powerless. Is it consistent with reason and our knowledge of human nature to believe the masses of Southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? Reorganization in the South demands the aid of men of great moral courage, who can renounce their own past opinions and do it boldly; who can comprehend what the work is and what are the logical consequences of the new situation; men who have interests urging them to rise to the height of the occasion. They are not the strong men, from whom weak, vacillating counsels come; nor are they the great men, from whom come counsels born of prejudices and follies, having their root in an institution they know to be dead and buried beyond the hope of resurrection."

3. That these inevitable difficulties were aggravated by the fact that the essential principle of the reconstruction policy was the creation of that very color line which is now represented as the work of Southern malignity: —

"The result of that conflict was, that the Federal government assumed, as a political necessity, the exclusive prerogative of reconstructing government in the South. The policy of reconstruction excluded the white race (on account of its suspected disloyalty) as the basis of the new order. But as the black race was considered as incompetent to manage the new structures built for them, military power, for the first time in the history of the American government,

was employed as the force to put and keep in operation the machinery of civil government. I do not propose to discuss this policy, but simply to call special attention to one feature of it. All the measures in the furtherance of that policy — the Freedman's Bureau, which cut all connection of the two races sheer asunder, whose agents and officers were made judges to try and punish offences by the whites against the rights of freedmen, without jury, or the right of judicial appeal; the act dividing the South, without reference to State lines, into military districts, and vesting the power of appointing all civil officers in a commanding general; the acts for restoring civil governments — were based upon this one idea of protecting the enfranchised black race against the wrongs anticipated from the disfranchised white race; and, as a matter of fact, therefore, this reconstruction legislation, as conceived and enforced, actually arrayed the two races into distinct and opposing classes, and drew the color line as distinctly and perfectly as if such race distinction had been enjoined in the Constitution. The very first principle of government your new-made citizens saw in operation was the principle of race discrimination. The very first lesson in civil government which they learned was the proscription of the white race as an object of political distrust and resentment.

"The strange spectacle of these two races locally intermingled, bound together by the strongest ties of interest and affection, yet as completely separated politically as if a deep gulf had sunk between them; the passions incident to party contests in which the contestants differ not in conviction, but in race, and now charged as one of the heavy items against the South, find their authorship and origin in the legislation of the government and the action of its agents. One moment's consideration will convince any fair mind of this. The measures devised for the sole benefit, protection, and ascendency of one race will surely command the support of that race; and if the same policy disfranchises the other race, hurls it from its proud tradition into a condition rife with all the elements of humiliation, and deprives it even of its ancient guaranties against the oppression of arbitrary power, the inevitable effect is perforce to drive that race into opposition to those measures. Thus, I repeat, by a policy which drew one race to its support and drove the other into opposition, the separation of the two was produced without the voluntary agency of either, and against the natural tendencies of both."

4. That the investigating committees of Congress sent to

the South for the express purpose of justifying these Southern State governments are obliged to acknowledge a condition of political life which nobody is willing to defend, which everybody wishes to terminate, but which party exigencies compel the Federal administration to support and sustain : —

"Sir, take the features of that statement. What are they? Oppressive governments, burdens of taxation, and prostrate people. What greater woe can there be than this? What more accursed fate can befall a people than such a government as Mr. Hoar describes, illegal in its every department, marked by maladministration, and reeking with dishonesty and corruption; or, as Mr. Forster describes it, an infamous despotism, consuming all the resources of a people? Where, I repeat, on earth or in what age of the world, have you not had violence and turbulence where a people are prostrated by the burdens of oppressive government, and tortured and impoverished by taxation? Where have you ever seen orderly, quiet, and peaceable citizens whose governors are lawless felons, whose ministerial officers are forgers and thieves, and their magistrates scoundrels?

"And, sir, when this prostrate people, writhing in their agony, turn over and jostle these rickety establishments that would fall down of their own rot if let alone, when, as is almost inevitable, disorders occur, the national authority is called upon, the Federal Executive is invoked, — for what? To protect the prostrate people against these illegal, dishonest, corrupt, and oppressive governments? No; but to protect and maintain these governments, and to hold the people down in quiet submission to them! What a policy! This great Federal government powerless for the protection of the people against oppressions of local government, but omnipotent to maintain those governments and enforce their oppressions."

The conclusion which Mr. Lamar draws from these premises is this: If the reconstruction policy, supplemented and supported by the steady interference of the Federal government, has produced this condition, — if it is, as he admits, impossible to reverse that policy, destroy the State governments which it created and abolish negro suffrage, — then there is but one course to adopt consistent with the spirit and form of the Constitution, and that is, to leave the Southern States to settle this problem for themselves. The two questions which, as we said, were submitted to the country upon General Lee's surrender

have been answered. The States have been restored to the Union as equals; the negro has been made a free citizen. Let the solution stand. Allow Louisiana and Mississippi and Carolina to do precisely what Massachusetts and Indiana and Ohio can do, and give to the free negro citizen precisely the same power and protection that is given to the free white citizen, no more and no less. Mr. Lamar does not pretend to deny or attempt to conceal that there are grave difficulties in the way of this solution; that it will produce much local discontent; that its reactionary tendency may, for the moment, be to go too far; that it will excite bitter opposition and passionate outcry from the corrupt and dishonest politicians who have, at the South, crawled into power and grown plethoric and venomous with plunder; that the negro, although in a physical majority, will be reduced to a position of inferior influence until, with time and civil training, he has learned how to accumulate wealth by honest industry, to educate himself for the responsibility of citizenship, and thus to exercise a natural and wholesome influence upon public opinion. But he contends that the natural relation of the races, their identification in interest, the labor necessities of a community almost entirely agricultural, and the conservative temper of white wealth, character, and intellect, will solve these difficulties more promptly, more safely, and more justly than the perpetual and unconstitutional interference of the Federal government, which, wrong in itself, threatens by this subtle and illegitimate usurpation to unsettle all true principles of constitutional government, and to destroy the liberties of the whole commonwealth.

To the argument thus stated, we do not think Mr. Garfield's speech a sufficient reply. It is an elevated and able speech. Nothing can be higher or worthier than the following expression of its spirit: —

"It will not do, Mr. Chairman, to speak of the gigantic revolution through which we have lately passed as a thing to be adjusted and settled by a change of administration. It was cyclical, epochal, century-wide, and to be studied in its broad and grand perspective, — a revolution of even wider scope, so far as time is concerned, than the Revolution of 1776. We have been dealing with elements and

forces which have been at work on this continent more than two hundred and fifty years. I trust I shall be excused if I take a few moments to trace some of the leading phases of the great struggle. And in doing so, I beg gentlemen to see that the subject itself lifts us into a region where the individual sinks out of sight and is absorbed in the mighty current of great events. It is not the occasion to award praise or pronounce condemnation. In such a revolution men are like insects, that fret and toss in the storm, but are swept onward by the resistless movements of elements beyond their control. I speak of this revolution not to praise the men who aided it, or to censure the men who resisted it, but as a force to be studied, as a mandate to be obeyed."

Some of Mr. Lamar's points are met with an ingenuity and force fully equal to his own, and the reply to that portion of Mr. Lamar's speech which has a party bias is very telling. But General Garfield does not deny a single one of the four premises which we have just stated. He does not deny that war and emancipation had unsettled the very foundations of Southern society. He does not deny that the leaders of the Republican party declared in 1865 that negro suffrage was an unwise and dangerous policy. He does not deny that the reconstruction policy drew the color line with fatal precision. He does not deny the corrupt and debased character of the Southern State governments. When he contents himself with a vigorous arraignment of the general fitness of the Democratic party for the government of the country, he leaves entirely unanswered the main point of Mr. Lamar's argument. To meet that he was bound to have gone further. Whether the Democratic or the Republican party is to govern the country is a question which interests the South only so far as either party is able or willing to settle the Southern question wisely. Never was a truer word spoken than when Mr. Lamar said, —

"Even if the events of the war and the sufferings since the war had not, as they have done, crushed out all their party attachments, nearly one half the people of the South have no attachment to the Democratic party, and in acting with it for the time being they only obey, as I said before, the imperious law of self-preservation.

"The motive which prompts their co-operation is not the expectation of filling cabinets and directing policies, but simply to get an administration which will not be unfriendly to them, an administra-

tion which in place of the appliances of force, subjugation, and domination, will give them amnesty, restoration to the privileges of American citizenship; which will accord to their States the same equal rights with other States in this Union; equality of consideration, equality of authority and jurisdiction over their own affairs; equality, sir, in exemption from the domination of their elections by the bayonet and by soldiers as the irresistible instruments of a revolting local despotism."

General Garfield then in his reply — to make it a reply in the proper sense — was bound to show either, first, that Mr. Lamar's remedy of leaving this question entirely to the Southern States for settlement was not the proper remedy; or, secondly, that if it was, the Republican party was as well disposed to adopt it as the Democratic party. Neither of these propositions does General Garfield discuss. Putting them aside, he simply sustained this thesis, that from its general character and history the Democratic party could not be safely trusted with the government of the country, and as a natural consequence that the Republican party must be continued in power. General Garfield cannot then complain if we insist that his reticence on this critical point of the discussion warrants us in assuming that he maintains the ascendency of the Republican party, whatever may be its policy as to the Southern question, and forces us to supplement his speech by whatever authoritative exposition of that policy we can find. Unfortunately, we have not far to look. Within a day or two after General Garfield's speech, the report of the Senate committee upon the late Mississippi elections was given to the public. This report meets Mr. Lamar's argument squarely and supplies the wanting conclusion to General Garfield's speech. It is summed up in three resolutions: —

"The power of the national government will be invoked, and honor and duty will alike require its exercise. The nation cannot witness with indifference the dominion of lawlessness and anarchy in a State, with their incident evils and a knowledge of the inevitable consequences. It owes a duty to the citizens of the United States residing in Mississippi, and this duty it must perform. It has guaranteed to the State of Mississippi a republican form of government, and this guaranty must be made good.

"The measures necessary and possible in an exigency are three: —

"1. Laws may be passed by Congress for the protection of the rights of citizens in the respective States.

"2. States in anarchy, or wherein the affairs are controlled by bodies of armed men, should be denied representation in Congress.

"3. The constitutional guaranty of a republican form of government to every State will require the United States, if these disorders increase or even continue and all minor measures shall prove ineffectual, to remand the State to a territorial condition, and through a system of public education and kindred means of improvement change the ideas of the inhabitants and reconstruct the government upon a republican basis."

If these two views may be taken, as we think they fairly must be, as indicative of the two policies which the parties now contending for power propose to adopt, then a graver and a more dangerous issue was never presented to the American people.

We regret exceedingly that the adoption of these contrary policies by the great parties of the country gives to their discussion a necessarily party character. We wish to examine their value independent of that party connection, and we are willing to admit equal honesty of purpose and sincerity of conviction on the part of partisans of either. But still the essential principles of the two theories stand in such vivid contrast that it is almost impossible to discuss the principles without an implied approval or condemnation of the parties who adopt them. We will, however, endeavor to consider them simply as proposed solutions of a grave and pressing political question. We will consider the solution of the Mississippi report first, because it is the solution proposed by the party in power, and, to a certain extent, the continuity of an established policy.

The solution of the Mississippi report is to begin with an undisguised admission of the complete failure of the very policy which it professes to sustain. It is a recognition of a fact which cannot be ignored in the settlement of this question, — the fact that these Southern State governments, based upon a physical majority of negro votes, with every department in the hands of their representatives, supported by the patronage of the Federal government and when necessary by its armed intervention, have failed, notoriously and ignominiously failed, to

establish peace, restore order, or maintain a safe and equable administration of public affairs in that section. That these governments have been overturned or thwarted in their purposes by "intimidation and bribery" does not help the case. It simply proves that there is an element in these States excluded from its natural and normal influence, which, deprived of the power of legitimate expression, manifests itself in violence or corruption, as the history of the world proves it always will do. The essence of representative government is that it does represent and give scope to the influence of every element in society which is strong enough to be entitled to hearing. And when, as in this case, the property, character, and intelligence of a country are suppressed as far as legal representation is concerned, they will be felt illegally, producing dangerous perturbation in the regular movement of society. We are not defending this "intimidation and bribery." The regular government ought to put it down. But if the regular, the technical lawful government cannot put it down, what then? Surely in this stage of the world's history, in this country, the first thought suggested to a calm observer will be, that there must be something radically wrong in the constitution of such weak and incompetent governments. But the remedy proposed, in its milder features of new protective laws and the forfeiture of representation, only aggravates this weakness and incompetency, while its harsher provision cuts up at the root the whole theory of reconstruction by declaring that the States are not free and equal and the enfranchised negro not qualified for citizenship. We will not pretend to argue the constitutionality of this scheme. We will wait for such a discussion until an ingenuity equal to the audacity which proposed it shall undertake the demonstration. We confess we regard with sorrow and alarm the condition of political thought and temper which in this great commonwealth can even allow such a proposition to be made without instant and indignant rebuke. But if the centralizing tendency of war interpretation has so perverted the public mind that it can be reconciled by any sophistry to such constitutional misconstruction, is it not evident to the most partisan intelligence that it is a positive encouragement to the very violence it pretends to punish? What the South

complains of is the rule of a negro majority; what it resists with "intimidation and bribery" is the domination of that element at the polls: and this scheme says, Persevere in your violence, continue your bribery, and we will rid you of negro suffrage. We may have to remand you to a territorial form of government. But what then? You possess four fifths of the property, you control all the commerce, you own all the railroads, yours is the natural intelligence and culture. Without negro representation you need not fear your influence at Washington and over the governors sent you; and when, after a while, you come back, it will be in that condition so desired by Senator Morton, where "the negro will be in a permanent minority."

And what will be the condition of these United States when this method of political administration is incorporated into their Constitution; when it is understood that if a State differs with the dominant party in its policy, and the free exercise of its elective franchise threatens to defeat party victory, on the eve of a Presidential election the party in power can, upon the *ex parte* report of an investigating committee, remand it to a territorial condition, until by proper tuition and "kindred modes of improvement" a change has been made in the ideas of the inhabitants? What will be the power and patronage of the President when Louisiana and Mississippi, Alabama and Georgia, Carolina and Florida, are mere dependencies on his will, the pro-consulates to be given with a lavish hand as the rewards of party service? Little could that pure and ardent advocate of "civil liberty" and "representative government," John Stuart Mill, have anticipated that the Republic whose fortunes he followed with such unflagging interest during the late civil troubles would point with such terrible emphasis the wisdom of the following opinions: —

"To govern a country under responsibility to the people of that country, and to govern one country under responsibility to the people of another country, are two different things. What makes the excellence of the first is that freedom is preferable to despotism, but the last *is* despotism."

"The government of a people by itself has a meaning and a reality; but such a thing as the government of one people by another does not and cannot exist. One people may keep another as a warren or pre-

serve for its own use, a place to make money in, a human cattle farm to be worked for the profit of its own inhabitants. But if the good of the governed is the proper business of a government, it is utterly impossible that a people should directly attend to it. The utmost they can do is to give some of their best men a commission to look after it, to whom the opinion of their own country can neither be much of a guide in the performance of their duty, nor a competent judge of the mode in which it has been performed.

"Now if there be a fact to which all experience certifies, it is that when a country holds another in subjection, the individuals of the ruling people who resort to the foreign country to make their fortunes are, of all others, those who most need to be held under powerful restraint. They are always one of the chiefest difficulties of the government. Armed with the *prestige* and filled with the scornful overbearingness of the conquering nation, they have the feelings inspired by absolute power without its sense of responsibility." — MILL's *Representative Government.*

Mortifying as is the hope, we cannot but hope that this scheme has not even the sincerity of fanaticism; that proposed just at the close of the session, when any practical legislation is impossible, it is only another miserable illustration of that system of party tactics which disfigures our public character, degrades those who devise, demoralizes those who execute, and renders almost impossible any well-founded confidence in representative government. But foolish and wicked as it is, there it stands as the solution of the Southern question, proposed, we will not say, by the Republican party, but certainly by those who, like Mr. Boutwell, claim and aspire to lead it.

We now turn to the other solution. It certainly possesses the advantage of being simple, constitutional, and representing the unanimous conviction of that portion of the South of which Mr. Lamar is the representative man. Will it be effective; will it do what Mr. Lamar predicts; will it restore peace and order; will it administer equal justice to all men; will it restore confidence to industry and capital; will it give just and wholesome influence to property, intelligence, and character, and at the same time preserve in spirit and truth to the recently enfranchised race those rights and privileges which have been secured to them by the Constitution, and which are in themselves guaranties and opportunity for

that slow but steady improvement which the interests both of the race and country require?

The difficulty in such a discussion is that men approach it not only with strong, preconceived theories, and excited by party passion, but that the fairest and honestest representatives of either race state the same facts so as to give them the most contrary significance. But we think there are some facts which afford the means of at least moving in a direction which will lead to a safe and steady judgment. For it must be borne in mind that no solution of this question can be an immediate one. Broken institutions, like broken limbs, require time and rest to knit; and restless impatience, however natural under suffering, only delays and hinders the final cure. An act of Congress may make four millions of slaves freemen in the twinkling of an eye; but it cannot make them intelligent, responsible, conscientious citizens, "to take effect from the passage of this bill."

Now we think the South has the right to insist that its history of the last ten years proves that Southern discontent and disorder, whatever be their degree, are not threats against the Union nor defiance of the Constitution. For it seems to be indisputable that during the three years of the development of the reconstruction policy, although it worked the completest social revolution known to history, although there was not a feature that was not harsh and repulsive, although the newly reorganized State governments were put aside, and the States remanded to the condition of conquered territories, yet while the United States authority governed the South, in all that time there was not a single act of resistance to that authority. The people of the South recognized the power of the Union. When it ordered, they obeyed. They devoted themselves assiduously and hopefully to their private affairs, and strove quietly, and not without fair success, to renew the relation between capital and labor which emancipation had placed upon such altered foundations, and upon the restoration of which the prosperity of all classes of citizens depended. It can then be justly claimed that this case, to borrow a phrase familiar to lawyers, does not involve a federal question, and that if this continuous and chronic disturbance is the result solely of local

misgovernment, then South Carolina and Mississippi have the same right which would be allowed Massachusetts or Minnesota to exercise jurisdiction.

Thus stated, the question is this: Are the Southern troubles the consequence of local misgovernment, and would the white element at the South, if left to its natural influence and power, correct and remedy that misgovernment effectually and justly? To examine these questions properly would require a very careful, patient, and unimpassioned analysis of Southern life and character. This article has already extended to such length that we can only indicate our opinions, postponing to another opportunity the detailed proof in their support.

In the period between the emancipation and the enfranchisement, we think we can say with truth that the relation between the white man and the negro had not become imbittered. Here and there occurred cases in which the master could not forget his old authority, and the slave made insolent and offensive use of his new freedom. But these were rare, resulting almost always rather from peculiarities of individual temperament than from any fixed principle of conduct. As a general rule the condition of feeling was this. The white man felt that all that was left him was his land; that climate and soil made negro labor necessary; that the docile character of such labor, its comparative cheapness, its long special training, the still existing community of feeling bred by old association, which no one not Southern born will ever truly appreciate,— that all these made the peaceable and kindly establishment of the new relations his interest as well as his duty. More than this, the conduct of the slaves during the war, when in many sections of the South there were not white men enough at home to form a respectable patrol, and when the comfort and safety of women and children were so entirely dependent upon their conduct, had made a deep and grateful impression upon the minds of the Southern people. Every one familiar with the planting sentiment of the South knows how popular at this time, especially among the younger and more energetic men, was the theory that free labor was better than slave, and how readily lands were heavily mortgaged to enable the owners to commence the experiment.

On the other hand, the negro was shy and cautious in his new condition of life. The removal of personal restraint, the exemption from corporal punishment, the right to use his own time, to make and receive his own money, were the privileges in which he exulted. The ownership of the land by his former master still impressed him with that respect for land-ownership which is one of the elements of his character; the personal relations between the races had in ninety-nine cases out of a hundred been so kindly that there was no malignity to be developed; and, putting aside the political aspect of the question, there was on both sides a good-humored acquiescence in the emancipation, that is not the least remarkable fact in the marvellous history of the last ten years. The only ambition then manifested by the negro was for churches and schools; and so fully was this recognized as natural and proper, that in many cases the planter, upon reorganizing his old estate, was willing to make the charge for both one of his obligations in the contract.

But this promising condition of feeling was changed by the establishment of negro suffrage. The political power of the South was at once placed in the hands of a majority utterly ignorant of the duties of citizenship, and to whom the very words used in political discussion were as unmeaning as Greek and Hebrew. In the mean while scattered over the South, filling the holes and crevices of society, there had drifted innumerable agents from the Freedmen's Bureau, subalterns from the military commands, retired soldiers from negro regiments, small and rapacious traders in the supplies that negro taste and negro extravagance demanded. Unknown and almost unnoticed, but under the guidance of abler and more considerable men, these people had organized "The Union League," and by it banded the negroes together into a solid phalanx. Then was the time of the famous party cry, "Forty acres and a mule." Then from church pulpits and political platforms, in secret associations and by private instruction, was the negro taught to hate and defy his former master, to deny the rights of property and intelligence, and to combine to give the lion's share of power and plunder to the few white men who controlled this perfect but pernicious machinery. When the State elec-

tions came on in 1868 there was no room for compromise, no opportunity for concession.

We do not propose at present either to describe in detail or to denounce the condition of things that followed. It is too well known of all men. Impartial men, without a touch of sympathy for the Southern cause, have seen with their own eyes, spoken with their own lips, and have told what they saw. The points we wish to indicate are: —

1. That the whole capital of the South was placed absolutely at the mercy of the labor of the South. The landowner, upon whose lands and by the expenditure of whose capital the whole labor of the country had to be subsisted, was deprived of any voice in the adjustment of taxation or the regulation of expenditure.

2. That the great mass of voters, ignorant, passionate, and misled, were controlled by men who were strangers to the interests and aliens to the sympathies of those they governed; and they were, without using slang phrases of abuse, adventurers to whom the States were simply fields for the gathering of unexpected fortunes and hitherto unattainable honors.

3. These lines of division were deepened and aggravated by party policy for party purposes; and the dominant party controlling the administration interfered with all its power and patronage upon the side of its friends and supporters.

Let us illustrate what we mean. Let us suppose a county in some Southern State with a population of fifteen thousand, — say five thousand whites and ten thousand negroes. All the land is owned by the whites. To bring that land into cultivation they have had to mortgage their estates heavily, at enormous interest. Fences have to be put up, buildings erected, mules bought, and full supplies of corn, bacon, and molasses to be provided. The ten thousand negroes have no means of support, of daily bread, except as laborers on these lands. Their wages are good, their work light. The law secures them a lien on the crop to enforce the payment of their dues. They are as free in every respect as their employer. But they are ignorant; they can neither read nor write; they were slaves only yesterday, and the idea of citizenship is simply beyond their comprehension. Now, members of the legisla-

ture and county commissioners are to be elected. The negroes, under the lead of men who, to say the least, are not identified either in interest, habit, or sympathy with the community, insist upon the representation. The property which is to bear the burden of taxation has no voice. Taxes are levied ruinously, money is appropriated lavishly, the member of the legislature sells his vote in open market for judge and senator, the county commissioner embezzles the funds of the county. Colored trial justices and magistrates are appointed who cannot write a warrant or construe a statute. Colored preachers, whose scripture and grammar are alike erratic, are made school-teachers. The sheriff summons a colored jury, who, rich in the prospect of a dollar a day for attendance, register with stupid impartiality verdicts which they do not understand. The Federal government throws the weight of its patronage on the same side, and every postmaster, every revenue officer, every deputy of its courts, must be either the tool or the manager of the colored majority. What hope have the minority? If they use the power which belongs to them as employers, it is intimidation; if they release rents or increase wages, it is bribery; and Federal courts and Federal troops are at hand to administer civil or martial law, as party interest may require. What becomes of the white man? Of the white population, a large proportion, who are engaged in mechanical pursuits, as carpenters, masons, blacksmiths, etc., etc., are straitened by the competition of free negro labor, which, be it remarked in passing, has everywhere in the Northern States, except in the case of menial employment, been a source of discord and disturbance wherever that element has been large enough to be appreciable, while the landholder is simply ruined. For it must be recollected that the cotton product of this county which made it a large consumer of luxuries imported from the North was in former times a surplus product. Capital wealth was in slaves, supplies were of home production. In the place of that capital is substituted the expenditure of wages, and in the present condition of Southern agriculture the purchase of corn, bacon, and artificial manures bears a fearful ratio to net proceeds of crops. Statistics would show that an almost incredible portion of the

profits of cotton (at present prices there are no profits) is consumed in its production. Not only then is this county suffering itself, but it is disabled from its former contribution to the commerce and wealth of the whole country.

Now can any man doubt that if the five thousand white men were allowed their natural and proper influence in its government, the county would be better governed? If they governed, would the negro be oppressed? Two considerations are conclusive on these questions.

1. The great want at the South is labor. The statistics with regard to negro labor, its efficiency, its relative increase or decrease in the last ten years, its transfer from one section of the South to another, are very interesting; but we must assume now, for the purposes of this argument, the general truth, which is universally admitted, that the South wants more labor and that there is no reasonable prospect of its being supplied by immigration. Besides which, what is wanted is negro labor. The white population, therefore, of the county will never consent to have their ten thousand laborers driven away by oppressive legislation. Homes and employment are waiting for them everywhere. And the proof of this is found in the fact that in all the bloody troubles of which we are told at the South, none, absolutely none, have taken their rise from differences between the laborer and his employer; or if some slight difference has occurred, it has been easily and promptly settled, — as witness the late strikes in a small rice section of South Carolina. All these serious and violent difficulties have been political. No; as long as negro labor is the necessity at the South which it is to-day, so long the negro laborer is armed with weapons of perfect defence. Nowhere will he be in danger until the white employer, maddened by misgovernment, forgets his interest, or in sheer desperation throws to the winds all consideration for his fortunes.

2. We assume that negro suffrage will never be abolished. The negro is a full, free citizen of this Union, and he will remain so. Let us suppose then that, in our county, the abolition of the color line, the restoration of good feeling, and the natural influence of their wealth and intelligence, give the government of the county to the five thousand white men.

Where is the danger to suffrage? Suppose, further, that the first tendency of the change is towards a reactionary policy. It must be admitted that there is a large margin for healthy and wholesome reaction. But how long would it last? As soon as the black votes were freely given to the white minority, how long would that minority hold together in the defiant union into which they have been driven by the banded opposition on the other side? How many candidates for the legislature and county offices would spring up, and what earthly power could prevent them from appealing to the very negro vote which is now their danger? Has political selfishness ever hesitated before any combination that promised success, and how many campaigns would it take to melt Democratic exclusiveness? The abolition of the color line would be the surest protection of negro suffrage.

Extend this picture of the county to the whole South, and you have the condition of the South, and in these considerations the argument for Mr. Lamar's solution.

It is not without its difficulties; but they are difficulties which honest and wise effort on the part of the South can remove. There are some things which the Southern people *must* learn. They must learn that a great failure has some bitter consequences, which time only can cure. They must learn that, in this stage of the world's history, there is a great and conscientious public opinion, which can sympathize with heroic defeat, but will only do so when that defeat brings its proper lesson of chastened wisdom. They must learn that the honest millions of this Union, who have no aspirations for political power or place, but who believe that they have very solemn duties as citizens of a free commonwealth, are determined, not that the white man shall be subordinated and subjected to his former slave, but that the negro shall have a fair field and ample encouragement to develop whatever is best in the nature God has given him. They must learn that the American people will not permit their civilization to be disfigured by bloody riots and high-handed violation of the law, however hard be the evils which they have to bear. And they must learn a truth which runs in the undercurrent of all Mr. Lamar's speech, that their safety lies in no servile adhesion to any party, be it Democratic

or Republican, but in their own wisdom, resolution, and patience. Mr. Lamar has become their pioneer on the right road; and if there are men enough at the South, especially among the younger generation, who will follow him with equal ability and patriotism, it will not take very long to cut a broad way through the tangle in which we are embarrassed.

In the interest of the whole country, this question must be settled. It has become an issue of national life or death. Either this Union must be preserved as the North fought to maintain it, with its unequalled balance of national power and local self-government, with its widely separated interests blended into one national policy, its widely variant sentiment fused by the heat of a common patriotism into an enduring and advancing national civilization, or it must be separated by something worse even than violent secession. One half of the nation must be converted into an imperial despotism, corrupted and corrupting by its patronage and power, trampling, with superb and cruel selfishness, upon the rights and liberties of States and individuals; while the other half is transformed into an abject and servile territory, its resources dried up and perished, its history obliterated, and its free people, of all races and colors, bound in a common "drooping and disconsolate household captivity, without refuge and without redemption."

WILLIAM HENRY TRESCOT.

ART. II. — THE WHISKEY RING.

CONGRESSIONAL investigations and the press have made known, though in somewhat disjointed form, the chief features of the late war upon whiskey thieves and their abettors. The present article is mainly an attempt to supply some omissions, correct current errors, and, so far as is now possible, set the story in proper order.

While this movement of Secretary Bristow for the suppression of whiskey frauds was a clearly defined campaign, having a definite beginning, sharp outlines, and a sudden ending, it is yet too early for any one to attempt its full history. Much of

it cannot be known, unless the Secretary himself discloses it. The secret machinations by which a formidable array continually excited the President against his Secretary as yet but partially appear. For each of the cities where the blow fell, there is a local history full of interest and illustrative of the political power wielded by the ring, which was not fully known in Washington. Some further developments yet await the ongoing of the chariot of justice, the wheels of which drag heavily just now.

The movement, in its origin, differed wholly from any other the department had undertaken. It was suggested by persons disconnected with the public service; the plan and its execution up to the point where success was assured were theirs.

Revenue officials of various grades have made statements concerning the organization of the raid, and each of them has mistaken the isolated work the Secretary or the Solicitor ordered them to do, for its beginning. Those who have had most to say to the public in regard to the part they played never had an intimation that such a move was in progress until success had been made certain by others. When it remained only to compare the indisputable facts collected with the various returns which the law requires concerning the manufacture and the sale of whiskey, revenue experts were called in to assist. Up to that time Secretary Bristow, Solicitor Wilson, a short-hand writer, and one person outside of the department and wholly disconnected with it, were the only persons in Washington who knew what was proposed, or how the plan was being executed. In St. Louis, likewise, where the first work was done, but three persons, all private citizens, until one was afterward secretly commissioned for this special work, had any knowledge of it whatever.

Entering the department in the summer of 1874, Mr. Bristow's attention was given first to its reorganization, and next to the efficiency of the service throughout the country. In the autumn and early winter he began to consider the means by which he could best strike at frauds on the revenue. A brief observation of the usual methods employed convinced him of their utter uselessness, where the aim was to overthrow the whole machinery of fraud. Special agents had made

demonstrations at the important Western centres of the whiskey trade; but beyond creating a temporary fright among the thieves, and in some cases without accomplishing even that, for reasons which are now quite plain, no widely effective blow had been struck. The order for transferring supervisors, from which much was expected, had been issued by the President in February, and revoked at once by him in obedience to the demands of politicians. Honest distillers in various quarters were complaining that the illicit traffic was rapidly ruining their business, and were loud in their demands for relief. The Secretary, seeing that the ordinary means were not likely to secure this, began to consider the subject for himself, with the view of devising an effective method of attack.

At this juncture a most unusual proposition was laid before him, in a manner equally unusual; and from it, and from it alone, the movement upon the St. Louis Whiskey Ring began.

On the 8th of February, 1875, Mr. George W. Fishback, proprietor of the St. Louis "Democrat," wrote an office letter to his Washington correspondent in regard to various matters then engaging public attention, and among them spoke in high praise of Secretary's Bristow's efforts for reform. The closing paragraph relating to this subject read as follows: —

"There has been much talk of late of the fraudulent whiskey traffic in the West. If the Secretary wants to break up the powerful ring which exists here, I can give him the name of a man who, if he receives the necessary authority and is assured of absolute secrecy about the matter, will undertake to do it, and I will guarantee success."

The correspondent took the liberty of showing this letter to the Secretary. The consultation over it occupied but a moment. The Secretary read it, and said, "I have been much troubled at the difficulties of striking that St. Louis ring. Please send a despatch to Mr. Fishback at once, asking him from me to telegraph the name, and assuring him that I will commission his friend immediately, and set him at work." This telegram of February 11, 1875, properly marks the opening of Secretary Bristow's noted campaign.

No answer arriving for two days, another message was sent by the same authority, asking again for the name. In reply,

word came that nothing could be safely trusted to the wires. The mail soon brought explanations and cautions. The man who had first been depended upon for the work, when actually faced with the telegram offering to commission him on receipt of his name, found his heart failing him, and finally declined to assume the grave responsibilities of the task. In the light of subsequent events, this decision will not excite wonder. Mr. Fishback, however, promised to find a man for the work, and shortly after sent the name of Mr. Myron Colony, secretary of the Cotton Exchange, and commercial editor of the "Democrat." With this letter came a statement of the supposed extent of the ring, its personnel, the names of the officers whom it controlled, and the fact that it received regular information from the department of all action affecting its interests. On this last account it was made a condition of undertaking the work, that no one connected with the internal-revenue service, or in the Secretary's office, should receive even a hint that any new move was contemplated. These conditions were accepted, and the whole matter was placed in the hands of Solicitor Bluford Wilson. It was arranged that he should have charge of all correspondence, and keep it out of the files, carefully securing it in his private desk. Mr. Fishback was requested to come on for consultation, and almost a whole day was given to the subject, those present being the Secretary, the Solicitor, Mr. Fishback, and his correspondent. The next day Mr. Colony's letter of instructions was made out. On the 5th of March this reached him at St. Louis, and he at once began to organize for his work.

Fortunately it had just been discovered that in some way, never yet fully ascertained, the ring had means of obtaining information sent in a department cipher. This led to going entirely outside for methods to insure absolute safety in the transmission of messages. Mr. Fishback, who consented to superintend the work at St. Louis, held with his correspondent in Washington a cipher perfectly arbitrary, and so entirely safe for the purpose. Thus it happened that from the time the movement began until the discoveries had made success certain, the orders of the department, and the information it received in regard to this most important move, passed in a

cipher which the department itself did not for several weeks possess or understand, and came and went through the hands of private citizens having no connection whatever with the public service. This outside care and use of the cipher was one of the Solicitor's precautions.

Before proceeding with the narrative of events, it will afford a better understanding of the powerful and malign influences which operated against the Secretary from the first, and gained strength to the end, to briefly review the history of the few months he had served in the Cabinet, previous to the time when this move against the Whiskey Ring began.

On the 2d of June, 1874, without previous consultation, President Grant nominated General Bristow as Secretary of the Treasury. In this case, as in others where he had held public place, the office sought the man. The department was demoralized and its discipline at a low ebb. He accepted it, with the understanding that such changes as seemed necessary to improve its efficiency should be made. The consequent removals stirred up the bitter hostility of several rings which had long held possession of the undercurrents of business in the department, and set a strong combination of influences in motion against the new Secretary.

Up to the night before Mr. Bristow was nominated, the Secretary of the Interior, Mr. Delano, felt confident of the appointment, and both he and his friends have always claimed that it had been promised to him. From the first moment, his near and peculiar following were secretly enemies, though their hostility did not become open till the following winter.

Three weeks after the new Secretary took his seat, the two houses of Congress, in accordance with a unanimous report from the Joint Committee on the Affairs of the District of Columbia, passed a resolution referring the evidence taken in the Safe-Burglary conspiracy to the Secretary of the Treasury and to the Attorney-General, for their action. The Secretary promptly charged Solicitor Wilson with a full investigation of the matter. In spite of ingenious attempts of those involved to throw the Solicitor off their track, by September he had made a report which excited consternation in all branches of the District Ring, including the United States District Attorney's

office, and turned the whole force of its powerful machinery — powerful because intrenched at the White House — against the Secretary and the Solicitor. These Safe-Burglary influences rallied, and sought to revenge themselves by the removal of the Solicitor, and, to secure their end, gave false reasons to the President. The latter yielded, and notified Secretary Bristow that the resignation of Mr. Wilson was desired. In reply, he stated his conviction that those working upon the President to secure this removal were simply attempting to vent their spite upon an officer who had bravely executed a most unpleasant duty. The Secretary further insisted that, as the Solicitor had acted under his orders, he should certainly stand by him, and if the President, after second thought, still desired the resignation, he would be compelled to ask that his own be accepted. Thus this intrigue was defeated.

The removal of the chief, and the principal members of the secret-service force, upon the report of Solicitor Wilson, arrayed a powerful enginery of evil against both these officers. The refusal to appoint certain applicants for the vacant positions made active and unscrupulous opponents of them and their confederates, and, as will be seen hereafter, this whole disreputable combination of detectives engaged in the general war on the Secretary.

An investigation into the Seal-Lock fraud added to the strong influences against him. After it had been in progress for some time, a Southern senator called, and said he hoped the Secretary did not intend to make any trouble over the Seal-Lock question, as he had a number of friends interested in it. Said the Secretary: "Senator, I am pushing that matter vigorously, and my hope is that, in a few months, I shall have all the prominent operators in the penitentiary." That senator and his friends have, from that day, failed to see anything but sordid ambition in Secretary Bristow.

The District Ring wanted the seal of the treasury printed on the District bonds, and other additions made which would enhance their value in some pending speculations in which millions were involved. The Secretary refused the request, standing firm through long importuning, and, as a consequence, this great interest stood back and waited its chance to strike him.

For a month before Congress met, the representatives of several of the far-reaching schemes seeking to obtain subsidies, gathered in Washington, and sought to secure co-operation from Secretary Bristow. Strongest among these was the Texas and Pacific road, with which he had been connected. This led the forces, and brought here, to influence him, a score of his intimate friends, among whom were a number of his neighbors and associates from Kentucky. Thus marshalled, the railroad lobby made an attack in force. Failing in the effort to secure a clause in the Secretary's report affirming the great national importance of their projects, they next tried to induce him to take no stand against them. In this they failed also, as a reference to that part of the report which treated of economy in the public expenditures, and the necessity of limiting expenses to the absolute needs of the government, will show. From that time the vast railroad influences of the country were against him. Their final rally at Cincinnati, and the part they played there, form the sequel.

A large and influential combination of agents for cotton claims were early exasperated by the strictness with which he construed the laws regulating the payment of such claims. During his entire term he allowed only about thirty small claims out of one thousand, or about $75,000 out of nearly $10,000,000. The disappointed agents, with all the disreputable influences which fasten upon most claims of this character, became a bitterly hostile army, and, in connection with all whom they could summon or command, waged persistent war upon the Secretary up to the time of his resignation, and were throughout active allies of the whiskey thieves. They originated investigations and concocted sensational scandals for the press.

The New Orleans Whiskey Ring, strongly supported by Republicans in Louisiana and in Washington, was arrayed in force against him. It had long been transporting grain in bulk from the central Western States, manufacturing it into whiskey, and underselling the up-river merchants.

The latter despatched their grain already manufactured into spirits, and so incurred much less freight charges. Still, the New Orleans Ring was enabled, by its frauds, to sell whiskey

at less than the cost of producing it there. The Secretary had sent a trusted officer to New Orleans as supervisor, and the moment the distillers found they were obliged to do a legal business, they closed their establishments altogether. It was impossible to run honestly and compete with the Western trade. From this time the main business of New Orleans distillers, with the wide political and official influences they were able to command in Louisiana, on the floor of Congress, and elsewhere, was to oppose Mr. Bristow.

Thus far, except as the Safe-Burglary prosecution soured some high officials, the Secretary encountered only outside influences. Cabinet intriguing had not as yet manifested itself. The familiars of the Interior Department were actively engaged in making trouble, but their chief had not seen fit to come into the light with his opposition. The contest was now to open in the Cabinet. The time of Ex-Senator E. G. Cattell as a financial agent of the treasury in London had expired. He had been of great service to Jay Cooke & Co. here, and to Jay Cooke, McCulloch, & Co. in London. His relations to Mr. Robeson were apparent then, and are very clear now. All these interests and influences insisted upon Cattell's reappointment. The Secretary positively declined, after several long, bitter, and persistent attempts to change his decision. The whole array then united, carried the matter to the President, and forced it into Cabinet relations. Mr. Delano found it convenient to step out of the dark, and range himself and his forces with the Secretary of the Navy, the Cookes, and the Cattells. The President soon yielded, and, at length, virtually ordered Cattell's reappointment. The Secretary of the Treasury assured the President he had positive evidence to prove that the appointment would be in the interest of dishonesty, and on that account he absolutely declined to make it. In spite of all this, those opposing him thought they might succeed, and continued to press their demand upon the President. The latter hesitated, and the many conspirators against the treasury took courage. All the rings in Washington were brought into play to worry and annoy the Secretary on other points, with the view of so increasing the discomfort of his position as to aid indirectly in inducing his retirement. In-

stead, he defeated the whole force by announcing that he would not appoint Cattell under any circumstances, and if he left the Cabinet in consequence, the country should know the facts, and understand how thieving had triumphed in the Cabinet of the President.

This grouping of the Secretary's relations and surroundings, and of the obstacles which crowded every path he trod, is necessary to any clear understanding of his contest with the Whiskey Ring. But, it should be remembered, these are outlines only. The ramifications of opposition which spread through all the lesser circles of influence commanded by these greater combinations cannot be followed out, but will readily suggest themselves.

At a time when the forces named and all they could control were uniting their efforts to render Secretary Bristow's place so uncomfortable through countless annoyances that he would resign in sheer disgust, his move on the Whiskey Ring began. Though sorely hampered, and thus loaded down with opposition, he did not hesitate. The blow he dealt cleared the field. The people rallied to him in irresistible force, and these disreputable combinations slunk back into the dark, where they bided their time.

At the end of the first week in March, Messrs. Fishback and Colony had perfected their plans and begun the work. There were seven or eight distilleries and as many rectifying-houses believed to be in the combination. These were to be watched, and a force was organized for this purpose. The amount of grain taken to each establishment, the shipments of liquor, the quantities sent to the rectifying-houses, the facts of the illegal night distillations, and, in short, all the features of each day's work at the suspected establishments, were noted and recorded. Watchmen were changed each day, so that their continued presence in any particular locality should not be noticed. The first day's observation developed the fact that all the distilleries, except one undergoing repairs, were running at night. This proved that the officers of the government, from collector and supervisor down, were either grossly neglecting their duties or were controlled by the ring. At length the distillers

found themselves watched. Their drivers and employees had marked some members of the secret force of observation. Roughs were hired to beat them. The police, under direction of superior officers, assaulted and arrested some, and, finally, the force was withdrawn for a time; not, however, before it had accomplished most that was desired, and quite enough to justify a general movement against the distilleries. The full history of these midnight battles of the roughs with the burly men who had been selected with reference to such contests is not by any means the tamest portion of the story.

Having established the fact that frauds were general in the management of the large distilleries, the next step was to trace the shipments. After manufacturing illicit spirits, the product must be promptly placed on the market, as the surest means of concealing the fraud. Mr. Colony reasoned that, if he could obtain a record of all shipments of spirits from the city for any period, a comparison of these with the official reports of the same shipments would inevitably show the extent of fraudulent dealing. He had long been engaged in preparing commercial statistics, and therefore no suspicion attached to his movements about the various transportation offices. He organized a force of copyists, and, without giving even a hint of his real object, took some of them to each landing or freight depot. He obtained permission to copy such statistics of shipments as he wished from the bills of lading on file in these offices. As a matter of caution, he directed his copyists to make full transcripts of the records of staple articles received into the city for three months, including whiskey. This done, he was ready for the real work in hand. The force was next instructed to copy bills of lading of shipments made for the same period to points outside the city. This completed, he had but to sort out the bills from the shippers of whiskey, and he had a description of every package of liquor shipped by each house for three months, made over the signature of their shipping clerks. This description was complete. It gave the name of the shipper, the consignee, the number of gallons, and the serial numbers of the stamps. It only remained to compare the records thus secured with the returns made to the collector's office by gaugers and storekeepers, and those which

the collector had sent to Washington, in order to ascertain the whole extent of the fraud, with many of the main actors in it, for a period of three months. As this work progressed a discovery was made which gave much more rapid results. Mr. Colony had obtained the description of several lots of fifty barrels each, that had been shipped to Charleston, Savannah, and Wilmington, which he believed to be fraudulent. These were telegraphed to the Solicitor. He at once sent an agent to Wilmington, to transcribe the records of receipts from St. Louis. From these the fact was discovered of duplications in shipments, through the double use of stamps, or the failure to enter one transaction. Here was one key that rapidly unlocked the mysteries of the ring.

In four weeks from the time Mr. Colony began, he had collected information that justified the seizure of the leading distilleries, and, in the end, led to the complete overthrow of the St. Louis Ring. Thus he with the Solicitor had obtained the facts in regard to the receiving and shipping of every package of liquor that had entered or left St. Louis for a period of three months, together with the marks which identified the packages, the names of the manufacturers, and the names of the dealers handling them. This was as far as the Solicitor's office could go, and it became necessary to have assistance from the office of Internal Revenue, — as, under the law, certain examinations of distillers' books and of warehouses could only be made by some one connected with that office. An internal-revenue clerk was ordered to report to the Solicitor, and was sent to St. Louis with no extended knowledge of the move in progress, but with instructions to make examinations of certain books, and await orders from Washington. He had little communication with those at work in St. Louis, but was directed by Messrs. Fishback and Colony through telegrams to the Solicitor's office in Washington. When, in the progress of the work, certain figures or entries were needed from the books of a dealer or distiller, the Solicitor was asked in cipher to order this clerk to obtain the figures. In the same way he was directed to lofts where illicit whiskey had been stored, to take the serial numbers of stamps.

Meantime, Mr. Colony's telegrams describing fraudulent

shipments to various Eastern and Southern cities continued to reach Washington, and were promptly investigated at the points of arrival, under the directions of the Solicitor. On the 1st of April, a special agent was also sent to St. Louis for the purpose of learning how the work was progressing, and to co-operate as an expert, if opportunity occurred. He was able to conceal his real object under cover of certain railroad matters with which he was known to be connected, but still so closely was he watched that some time elapsed before he could communicate personally with either of the gentlemen he was sent to assist. On the occasion of this visit, the evidence already collected was found to be sufficient to justify seizure.

The first actual work performed in the case by a special agent was on April 16th. The Secretary had insisted that no seizures should take place until the evidence collected had been compared with the official returns and the entries in the various firms' books, and a legal case made out. Solicitor Wilson had received a hint from a distiller who was trying to do a legitimate business, concerning one of the methods of duplicating packages. An agent of the department was ordered to communicate personally with this gentleman, and obtain all the information possible. As a result, on April 16th, a duplicate lot of three hundred barrels was found in warehouse. That is to say, a certain firm reported three hundred barrels of whiskey sent to a rectifying-establishment and "dumped," — the term for emptying into the common cistern, — and yet in the warehouse were found three hundred full barrels bearing the same marks and stamps, with the same serial numbers as those reported dumped. This at once furnished another most valuable method of tracing fraudulent packages. The record of all whiskey sent to the rectifiers is, or should be, contained in what are known as "dumping notices," which are regularly returned to the office of Internal Revenue. The agent went to Washington with this new clew, and was despatched by the Solicitor to New York to obtain transcripts from the books of all wholesale dealers of each lot of whiskey received from the West for the three months covered by Mr. Colony's work. These transcripts had also been ordered from Boston, Philadelphia, Savannah, Wilmington, Charleston, Atlanta, Mobile, New Orleans,

Galveston, Austin, and Little Rock, in order to trace fraudulent lots reported by Mr. Colony as shipped to those points. The transcript covering whiskey receipts in New York for three months was completed in two days. Thus rapidly did all parts of the work move on. At the same time, the dumping notices of the St. Louis distillers filed in the office of Internal Revenue were obtained, and brought to the Solicitor's office; and as rapidly as the transcripts arrived, the comparisons were made, and soon the gigantic proportions of the St. Louis frauds stood revealed, with the means at hand to uncover them in detail.

As the country knows, St. Louis was but one of three centres of the whiskey frauds that were subject to similar investigations. Soon after Mr. Colony began his work, he wrote the Solicitor that it was certain the same condition of affairs existed at Chicago and Milwaukee. The Solicitor at the same time received assurances from other sources that extensive frauds were in progress at these points. He at once placed the matter in charge of a veteran special agent, who organized a force and watched the Chicago distilleries, till he detected most of them in illicit transactions. He then visited Milwaukee, and accomplished the same results there. His was brilliant and most successful work, performed under great disadvantages. To go through its details would be to repeat the history of St. Louis. The one fact that it resulted in the capture of nearly every distillery of consequence in these two cities is sufficient comment. After he had collected his evidence the chief of the secret-service force, formerly chief of police in Chicago, was sent out to contribute to the move the great advantage of his peculiar local knowledge.

The work began in St. Louis on the 5th of March. Everything was ready for the seizures in that city, Milwaukee, and Chicago by the 3d of May; but they were not made until the 10th, owing to a week of waiting for the arrival of Mr. Pratt, who was to succeed Commissioner Douglass. The secrecy enjoined at the first had been maintained. No suspicion of the movement existed in the office of Internal Revenue until its success was beyond doubt, — in fact, until everything was

in readiness to order seizures. These, under the law, could be made only by order of the Commissioner of Internal Revenue. Thus far the Solicitor had employed the special agents of the treasury, and had made use of the appropriation for detecting frauds usually expended through the secret-service division.

For four weeks only those who had full knowledge of the matter at the beginning were in possession of its secrets, except as the Secretary, on finding that it was to be successful at St. Louis, gave its outlines to the President, just before the latter left Washington for the Lexington Centennial. From this moment to the time Secretary Bristow left the Cabinet, in spite of all assertions to the contrary, the President was promptly and fully advised of every important feature of the wide-reaching campaign. About the 1st of April one special agent was informed in general terms that efforts were making against the St. Louis Ring, but the attempt to put him in full communication with those managing the affair was not consummated until the middle of that month.

By the third week in April the ring had compared notes over certain suspicious movements of Mr. Colony's force. The fact that Mr. Fishback was in some way acting against them also became known. They succeeded in making themselves most uneasy, but were not able to fathom the mysterious movements which occasionally were dimly revealed to them, and which at one time caused them to temporarily suspend crooked operations. They made frequent inquiries of Supervisor McDonald whether any unusual movement was in progress, but he, being completely in the dark, assured them no move was even contemplated. Finally he ascertained his mistake, and without waiting for leave of absence, started at once for Washington. He was surprised to find that Commissioner Douglass had no information to give him; but on calling upon the Solicitor, he ascertained in very general terms that certain examinations into the whiskey affairs of his district were in progress. Of details he learned nothing, except that the depart ment had knowledge of frauds being perpetrated. With his previous experience of the ease with which the department had been managed, it is not a matter of wonder that in the first instance he was not alarmed.

To show his ready methods of dealing with such subjects, and how lightly he regarded the extensive frauds on the revenue, of which he of course had knowledge, it is worth recording that he actually proposed that the Solicitor should turn the whole case of the St. Louis distillers over to him at once, as a matter properly falling within his official duties. He knew them, he could manage them, and beyond question, if they had been guilty of fraud, he could recover more money from them personally, in view of exemption from exposure and seizure, than could ever be collected by the law; so he declared.

As further evidence of the perfect freedom he felt in making propositions to the Treasury Department, in regard to matters of this kind, he proceeded to say, that in no event would it be an advantage to accept his resignation, since he could exert more political influence west of the Mississippi than any other man. Next, as if to emphasize his previous easy methods of dealing with grave matters of fraud, he went on to say that he had been and was a strong third-term man. The scheme to make General Grant President again would, however, in his judgment, fail. If it did, he should surely be for Bristow, and would be glad to give him the benefit of his full support.

Upon the President's return, toward the last week in April, he was fully advised by Secretary Bristow of the rapid progress which had been made in unearthing the ring. He took great interest in the matter, and gave hearty co-operation. He said he had been thinking much on the subject during his absence, and had been trying to determine in his own mind who of those he knew in St. Louis would be the best men with which to replace the unworthy ones. He made special inquiries as to the evidences of neglect or guilt against a number for whom he had long had most friendly feelings, and expressed himself as surprised and personally outraged at their conduct, and determined to promptly remove them.

From the time of McDonald's visit, the ring in St. Louis began to show signs of increased uneasiness. The distilleries were put in honest working order, ready for what they supposed would be a sudden inspection by some new hands. Of the real nature of the case made against them none had a suspicion.

When the returns of officers and distillers at the three cities were called for by the Solicitor, in spite of the fact that they were taken in moderate instalments, the clerks in charge of records learned that some move of an unusual character was progressing. It is doubtful whether these records had ever before been examined since they were taken from the mails and deposited in the files. Thus a week before the seizures, a report gained circulation that St. Louis, Chicago, and Milwaukee were to be "struck."

The ignorance of the local officers, who had never before found any difficulty in warning the distillers, partially allayed the fears of the latter, and positive denials of any move by several newspaper correspondents who had inquired at the office of Internal Revenue, though exceedingly inaccurate as the sequel showed, were of great value in quieting the ring while evidence was accumulating, both through the comparison of records and the continued observations on the Western theatres of action.

The fact that Mr. Colony had withdrawn his force of watchmen also gave them confidence, and so far removed their fears that fraudulent operations were in measure resumed. Their spies could hear of none of the known agents of the department in town, and the usual sources of full official information from Washington discovered no signs of any concerted movement. Toward the close of the investigations several members of Congress from the Northwest, whose "constituents" had become alarmed over indications that their business was to be interfered with, called at the department and at the White House to learn what was going on, and unconsciously to illustrate the perfect unconcern with which under our system members of Congress step in between the government and thieves, if the latter only belong to "the party." At the White House these members learned in a vague way that movements of some kind were in progress, and their fears were aroused. At the Internal Revenue office they were assured that it was all quiet along the Lakes. The total information acquired caused the uneasiness among their "constituents" to increase, but beyond this no harm was done.

The last week was one of great anxiety at the department.

It had finally been decided to move on the ring in the three cities on the same day. While the seizures could not be evaded even though the full character of the move became known, it was on many accounts most desirable that the enemy should be surprised.

Since, under the law, seizures could be made only by authority of the Commissioner of Internal Revenue, and by officers of his service acting under him, the question of a change in the head of that office was taken into consideration. There was no belief entertained and no evidence found to show that Mr. Douglass had any relations with the ring. It was certain, however, that the secrets of his office had been betrayed, and it had become apparent that much carelessness attended the application of the tests and guards provided to detect and prevent fraud. It was decided that a change should be made, and Ex-Senator Pratt was selected by the President, and the position offered him. He could not reach Washington, however, for a week, and everything was ready for seizure. Delay might do serious damage. It was then determined to open the whole matter to Mr. Douglass, and let the blow fall at once. He entered promptly and heartily into the work, and the plan for seizure and the orders for it were immediately prepared. On Friday night, May 6th, three parties left Washington, one for St. Louis, one for Chicago, and one for Milwaukee, with full instructions to seize distilleries and rectifying-houses in those cities. So secret was the management, that when, on the following Monday, May 10th, the order was executed, not a proprietor at any point was expecting such a proceeding. A few were awaiting search and had thoroughly prepared their premises for it, but none of them could understand the grounds upon which distilleries and rectifying-houses in unquestionably honest and legal condition were thus suddenly seized.

After the seizing parties had left Washington, a telegram in cipher from St. Louis announced that the ring had fathomed the movement and would doubtless be found fully prepared on Monday, and so the additional advantage of entering the establishments unexpectedly would be lost. This telegram contained the information that a despatch had come over the wires

from Washington to a prominent distiller, saying, "Lightning will strike on Monday. Inform our friends in the country."

This startled those in the secret, and it was accepted as positive proof that the department was betrayed by some one holding a most confidential position. Energetic efforts were at once put forth to discover the author, but at first without success. The mystery deepened when it was ascertained that on the following Monday none of the distillers or rectifiers exhibited any knowledge of the general move. Finally the problem was solved, but not until the harmless telegram, as it turned out to be, had attracted universal attention.

The despatch, however, is connected with an interesting chapter in this history. Before the Secretary had formed any definite plan for discovering the frauds, he was assured by several large manufacturers and dealers, known by the department to be honest, of co-operation in any attempt he might make to check the frauds that were fast destroying their business. Just as the St. Louis movement was in its incipiency, and when the least knowledge of its details would probably defeat it entirely, fresh appeals were made to the Secretary by several large liquor-houses for protection from the rapidly increasing illicit traffic. A delegation of Western distillers notified him of their intention to visit Washington for the purpose of laying before the department and the President what they knew of the frauds, furnishing this knowledge to the press, and demanding action. To keep these interests quiet, several of the leading firms were made acquainted with the fact that the Secretary had begun certain operations with which, if they would be patient and observe silence for a few weeks, he believed they would be entirely satisfied. Of details they knew nothing. Three gentlemen known to the Secretary, and acquainted with all branches of the liquor traffic, were asked for such information in regard to the methods of fraud as they possessed or could gather, and furnished most valuable material. Having no idea of the magnitude of the movement in progress, they still knew it was expected the ring would be overthrown, and so were content. One of these gentlemen passed through Washington the day parties started to make the seizures. Naturally he made inquiries as to the general

progress of the secret campaign, and was told the blow would fall on Monday. Before leaving for New York, he sent the telegram which so soon became notorious, not to any member of the ring, but to those who were aiding in its overthrow.

The facilities for obtaining information had become so good for those in St. Louis who were working against the ring, that this "lightning" telegram, without signature, fell into their hands, and was at once sent back to Washington, where it played its undesignedly sensational part before the public. Its real origin was not discovered for several weeks after the culmination of the movement. It caused many anxious hours at Washington before the telegraph began to bring in the results of the first day's open battle. A great weight was lifted from those who had thus far planned and watched and labored through ten exciting weeks, when the news came that the surprise might be called complete. While few had been caught in the act of running crooked, fewer still had ceased such operations until their character and extent were discovered. Of the chief evidence against them, and that upon which the seizures in all quarters were made, the guilty parties knew nothing. They were wholly ignorant of the fact that their methods of fraud had been discovered, and the evidence of them traced through the official records and fully established. The discovery of these, heretofore hidden, was, after all, the crowning success and distinguishing feature of the whole movement. It not only struck down those immediately discovered, but it furnished the means of testing the transactions of every distillery and rectifier in the land. At a blow it completely shattered the ring throughout the country.

Had every one of the distilleries seized been informed of the movement in progress, after the end of four weeks' work, none would have escaped. The investigation after that date, as has been seen, was such as would not have been greatly hindered by full knowledge on the part of the guilty that it was in progress. As a matter of fact, several establishments were subsequently seized, which at the time were not running. As may be imagined, the surprise of the proprietors was great. This changed into astonishment when they became aware of the nature of the evidence against them, and this, in turn, gave way to consternation at the wide reach of the movement.

At the end of the first day's public operations, sixteen of the largest distilleries of the country, and a like number of prominent rectifying-houses, were in the possession of the government. These were the chief ring establishments at its principal centres, — St. Louis, Chicago, and Milwaukee. It was not, however, until the third day that the real nature of the blow which had fallen was generally comprehended. As other distilleries and rectifying-houses were taken, and it was seen that the receivers as well as the manufacturers of the illicit product had been discovered, and fraudulent packages seized in every important city from Boston to Galveston, and from points in Central Texas to Milwaukee, the whiskey ring of the country recognized the complete overthrow of its fraudulent business. It turned frantically toward the officials it had controlled, and who had shielded and saved it so long, only to find them helpless. It appealed to the politicians, to whom it had rendered previous service, to find that scarcely one of them dared even to write or telegraph on the subject. One representative telegraphed to a senator, asking him to obtain a stay of proceedings for one firm; but the senator simply referred it to the treasury, without a word, except of excuse for doing even that. Washington politicians had been taking new lessons in political science for some time from Secretary Bristow, and made up their minds that, while he was moving actively in such work as he had in hand, it would be prudent for them to stand neutral for a time. The message to them from the department and the people commanded non-interference with an authority which they dared not even appear to question. For once, the political machine stood still. For many years there had been no cases of defrauding the government so flagrant but representatives or senators could be found to hasten into the department in the interest of the perpetrators. But now the treasury was clear of this hindrance. A few of this class of political attorneys started for Washington; but the signs of popular feeling either turned them back, or aside to the watering-places.

Meantime the treasury was active. It had captured the enemies' positions over half a continent. Could it hold them? Henceforth its work must be in the sight of the guilty. Bold-

ness, untiring energy, and activity could alone bring success. In all quarters investigations went on day and night. Important evidence accumulated with startling rapidity. First, the whole system of fraud was revealed; and next, many official abettors, or, more accurately, perhaps, official heads of the ring, were discovered. Officers of the courts and all grades of revenue officials and employees were found to be implicated. Each had a price formally fixed and regularly paid. As the inquiry progressed, unmistakable signs appeared of former full and free communication with Washington.

The treasury pushed its work with vigor, until, as it has finally joined issue with the ring in the courts, its presentment is about as follows: —

Appraised value of property seized	$1,500,000
Assessed against illicit spirits	1,600,000
Amount of suits on gaugers' bonds	250,000
Total	$3,350,000

The indictments were these: —

Distillers	47
Rectifiers	60
Wholesale dealers	10
Other private parties	35
Gaugers	68
Store-keepers	7
Supervisors of internal revenue	2
Collectors	4
Deputy collectors	5
Total	238

The law regulating the collection of the whiskey tax would be effective against fraud if the officers charged with its execution were honest. A dishonest store-keeper at a distillery could allow two quick fermentations in the time the law prescribed for one, and permit the distiller to so keep his books as to show but half or even a less proportion of his real production. A gauger at a rectifying-establishment could allow entries of spirits never received to be made on the books, and refrain at will from cancelling stamps upon lots ready for shipment. And when the collectors and supervisors, and their chief depu-

ties and assistants, not only winked at such neglect, but made the tenure of subaltern offices conditional upon them, the facilities for fraud were practically unlimited.

The greater portion of it was perpetrated by one of two methods, — the duplication of packages, or the shipment of large packages, for which check stubs representing only small amounts were retained.

Under the first method, a distillery would sell fifty barrels, for instance, of regular tax-paid spirits to a rectifying-house. There it would be emptied. Instead of cancelling the stamps, the gauger would either allow the barrels to go back to the distiller, or suffer the stamps to be removed and returned. Under cover of these stamps a shipment would be made to some distant city, and thus fifty barrels paying no tax would be disposed of. In some cases the stamps were a second time returned, and a third shipment made under them to some other point. The second method was made possible by the form and the system of keeping the record of stamps. The latter were printed with stubs attached, and issued to gaugers for use. Each stamp would protect any number of gallons which the gauger could be prevailed upon to fill in. A rectifier might buy one hundred packages, containing forty gallons each, and apply for stamps to cover four thousand gallons. The gauger might report them as contained in four hundred packages of ten gallons each. But instead, eighty gallons could be put into each package, and the stamp filled to cover them, while the record on the stub charged the rectifier with only ten-gallon packages. With the three hundred and fifty remaining stamps twenty-eight thousand gallons of illicit spirits could be placed on the market. Commissioner Pratt reports this as by no means an extreme case. By either method, the opportunity for fraud was boundless. One house was found where fifty-three thousand gallons were put on the market by false stubs, in a single week; and another house testified that it manufactured two hundred and twenty-five thousand gallons a month, and that half its entire annual product was "crooked."

From the best estimates made up to the present time, the ring, at the date of its capture, was defrauding the government at a rate little, if at all, below three millions of dollars annually.

When the blow first fell, there was general consternation in the ranks at which it was directed. Then followed a brief recovery, and short season of defiance, as the distillers turned to those in official station upon whom they had been accustomed to depend for relief. But when they ascertained that this corrupt official power was broken and could avail nothing, they were in despair over the situation, and filled with resentment toward the powerless men who had promised them protection.

The false officials nourished their courage for a few days by affecting to whistle the movement down the wind as something done by new men for effect, which would speedily come to nothing.

The Treasury Department soon put an end to all dreams of the ring that their troubles would easily pass through interference at Washington; but while some advocated full surrender, the bolder spirits controlled, and both sides prepared for a bitter struggle.

The Secretary had moved with great caution. He had personally reviewed the testimony in each case where seizure was contemplated, and before it was ordered had satisfied himself that a legal case existed which could be made good, without the additional evidence that subsequent investigation and the possession of the establishment and its books might give. But there was no rest here. The seizures accomplished, the whole force at the command of the department was set actively at work to gather additional evidence, and, with the light already thrown upon its operations, to follow every trace which could be discovered, and explore all the dark corners of ring transactions. The secrecy which had been necessary from the first inside the department had limited its working force, as has been seen, to the Solicitor and a few trusted assistants. It was now extended so as to embrace the full machinery of the office of Internal Revenue. The Solicitor continued to assist, using, as before, the special treasury agents, and under the new commissioner, his office and that of the Solicitor worked their combined forces vigorously in perfect accord and with great effect, and from this time Mr. Pratt became one of the most earnest actors in the movement.

A force of clerks was organized by Mr. Pratt, and under

direction of the proper experts, the returns of every distiller and rectifying-house in the country were compared with the returns which were intended to be a check upon them, and with the transcripts taken from the books of wholesale dealers in every important city in the country. Every package of spirits which appeared on any of these returns was traced, and its honest or fraudulent character ascertained. The discovery of the methods of fraud had placed the distillers, the dealers, and the corrupt officials at the mercy of the department. Had every man engaged in collecting testimony at the West been withdrawn, the seizures could still have progressed through the discoveries which this comparison of records afforded, so fully had the system of fraud and the tests for its disclosure been mastered.

The fact that fraud had been committed on so vast a scale was sufficient moral evidence of the guilt of revenue officers. The false returns of gaugers and store-keepers afforded legal proof of their complicity; while collectors and supervisors, and their assistants, were clearly responsible for a neglect which, under the law, would subject them to criminal prosecution, even though their guilt was not that of actual participants. The prompt removal of all grades of officers through whose neglect the frauds had been made possible was absolutely necessary, was at once asked by the Secretary, and agreed to by the President. While the question of succession was in some cases still pending, the accumulation of evidence began dimly to disclose the forms of prominent citizens and officers of the law in close relation, at least, to the transactions of the ring. Abundant reasons were developed for distrusting the District Attorney's offices in the three cities, and the problem of dealing with suspected officials became more complicated. Citizens and officers who for long years had wielded great influence at home and at the White House, and in consequence of high standing there at the department also, and who at home were the directors of local political affairs, were suddenly held up to the nation in disgrace. The Secretary's brilliant and effective campaign, the magnitude of the fraud, the general collusion of officers, and the thoroughness of the exposure, fixed the attention of the entire country, and public sentiment was so strongly in sympathy with the movement as to neutralize for

the time every effort of the guilty parties to shield themselves. None dared interfere openly to save them. And at this stage of the movement the voice of the people, as heard through the press, made the Secretary impregnable. So great was the popular applause, that persons who were even then working vigorously to secure a third term deemed it necessary to write the President into the most active participation in the movement, and he was represented, through the procurement of these friends, as having suggested the raid, and written many of the telegrams directing it; as having visited the Solicitor's office night after night, reviewing the situation, and studying, and sending messages. That he did none of these things is now well known, though his co-operation was hearty throughout the early stages of the work.

That his friends should deem it necessary to give him a false prominence, and present him as the originator and leader, is suggestive of the strength of reform movements with the people, and the force with which public opinion was then driving the politicians.

The remaining weeks of May and the first of the summer were employed in energetic and well-rewarded efforts to discover the guilty and obtain their indictments. During this work the local combinations and their political backers found opportunity to rally. They did not dare to come boldly into the light, but, standing back in the dark, they gained sufficient courage to watch, and plot, and strike as occasion offered.

The efforts to remove unworthy or distrusted officers called all their machinations into play to find effective means of reaching the President. Under the guise of honest recommendation, and plausible objections to appointees desired by the Secretary, they partially succeeded in their efforts to cripple his movement. When entire State delegations in Congress contend stoutly for the right to appoint a page, messenger, or boy in the folding-room, we have a standard by which to measure the heat and bitterness of a struggle involving millions of money, which politicians, intent on saving themselves or their guilty friends, waged over the selection of officials to replace those whose removal the President had made certain. This

contest caused delay at critical moments, and important advantages were lost for want of officers who could be implicitly trusted. In general, the guilty revenue officials of the lower grades were removed as fast as discovered. The Secretary himself could take the initiative and insist upon action there, but serious and damaging delay attended attempts to remove the collectors at several points; and as another department must be consulted, it was a still slower process to reach the officers of the courts. Some of these were not removed until many important cases had suffered considerably.

The rings were now partially on their feet again, and with the assistance of able counsel, and all the forces they could rally, the struggle for life began. By common consent it was necessary to break down the Secretary of the Treasury. The corner-stone of defence was a persistent effort to poison the President's mind against this officer and his Solicitor. This part of the campaign never flagged. It was planned with skill and executed with Satanic ingenuity. The Secretary felt its influence at every step; and no sooner had he baffled it in one form than it assumed new shapes and faced him on another line of approach. All the combinations named as arrayed against him at the time the move began became allied forces in this war; and all found as ready means of securing access to the President as the Secretary himself enjoyed. Even the Barnard letter, of which so much has been said on account of the indorsement, "Let no guilty man escape," was in fact a covert attack on the three prosecutors of the ring at St. Louis, Mr. Dyer, General Henderson, and Major Eaton. The first two were denounced to the President as his firm enemies, and the last as their tool. This letter, which has passed for honest dealing with the President, was the first attempt made to prejudice him against the government counsel. The indorsement upon it was the earnest protest of an honest man against the intimation that he would screen the guilty. While the letter represented some disgraced members of the ring as implying by their threats that General Babcock was implicated with them, the President expressed the firmest faith in his innocence, and in that conviction wrote the indorsement, as an answer both to the insinuation that Babcock was involved, and that he himself would extend favors to the guilty.

The various forces of the opposition were at this time closing in upon the Secretary. While the President recognized the propriety of the general policy suggested by Mr. Bristow, the latter saw how obstacle after obstacle was placed in his way, through the secret influences exerted upon the President. There was delay when the greatest promptness was demanded; and often where changes were asked, the new appointments were improperly controlled by manipulations to which the President was insensible. The indorsement came to the Secretary as a relief force to a garrison about to be overcome. To make it effective, its publication was deemed of the greatest importance, and the Secretary wrote the President, asking permission to give it to the press. The fact that this note remained unanswered caused much uneasiness. At the same time, the "Sylph" despatch was adding serious difficulties to the situation. This telegram was to Joyce, and read: "I have succeeded. They will not go"; and the evidence collected showed beyond reasonable doubt that it was to notify the ring that he had succeeded in preventing two revenue agents, who had been ordered to investigate affairs at St. Louis, from going there. General Babcock was early apprised of it. His explanation, when taken in connection with other points of the evidence, was regarded as worse than useless at the department. The President, however, accepted it, and from this time his interest in the prosecution perceptibly diminished, and the attention he gave to all points which the ring presented became a serious obstacle and the cause of grave embarrassment. To such an extent did the President's indifference and coolness appear, that in the first days of September the Secretary prepared his resignation, and went to Long Branch to place it in the hands of the President. To the few friends whom he consulted, he stated his conviction that the ring, and the politicians who were seeking to defend it, were exercising such influence upon the President as in the end would inevitably defeat the movement; that while the President intended to do only right, his mind was so continually poisoned with the falsehoods which were deliberately coined to block the way of the prosecution, that he was wholly discouraged, and altogether convinced it was of no use to push the matter any further. The

"Sylph" telegram had produced coolness, and aroused opposition which seemed insurmountable. Certain delays in removing disloyal or dishonest officers at several important points convinced him that in the end the ring would triumph, and for these reasons he had decided to resign. To the credit of the President, the consequent interview ended in a full understanding, and the Secretary returned to his work with renewed courage.

Such was the situation only four months after the blow was struck, and before any of the principals had been brought to trial. At that early day it required the shock of a resignation tendered because a Cabinet officer felt himself unsupported in an effort to punish thieves, to arouse the President to a sense of the position he had taken under the lead of false advisers.

This sunshine for the Secretary was of brief duration. The entire army of those opposing him approached the President through countless avenues, and in endless variation asserted Babcock's innocence, the Secretary's ambition, his desire to strike down the President through his private secretary, or even by entering the Executive household if need be, in order to further that ambition, and the immense harm his exposures were inflicting on the party. On one hand, detectives reported falsehoods; on the other, high dignitaries of the party denounced the course that held up corruption to the public gaze as a blow at Republicanism.

The character and the power of the attempts to crush the Secretary will best appear from a brief consideration of some of the schemes which were most prominent.

After the indictment of McDonald and Joyce, the President visited St. Louis, accompanied by Babcock. Wide circulation was given to a statement that neither he nor General Babcock would consent to have any communications with either of these named, and had refused their cards. There were reasons disclosed in the evidence collected that made it seem prudent to watch McDonald, Joyce, and Babcock. Mr. Wilson accordingly wrote to Mr. Henderson, requesting that this might be done; adding, that the whole conspiracy must be explored from bottom to top. This last word left room to insert after it the letters "W. H.," and it was subsequently interpreted to the

President that these letters stood for White House, and the letter itself showed clearly that Wilson had ordered detectives set to watch the President while he was in St. Louis. Wilson's letter had been stolen from Mr. Henderson and given to Joyce. The latter passed it to Babcock. Who executed the forgery of the letters "W. H." is not known; but once done, it was made the basis of a settled and persistent attempt to secure the removal of Solicitor Wilson. The interpolated letter was kept in possession of the ring for some time before the attention of the President was called to it, and finally advantage was taken of Wilson's absence to press home the manufactured case against him. The President was informed in regard to it, and was much excited by the idea that he had been followed by detectives. The conspiracy worked well, and would doubtless have succeeded, but for the fact that at the very point of success Wilson returned, and showed conclusively that the original letter contained no interlineation, and would not bear the false construction given it. This is in brief the history of an effort to remove Solicitor Wilson, and involve him and the Secretary in a charge of setting spies to watch the President. In this work some of Babcock's nearest, shrewdest, and most influential friends took an active and earnest part.

Strange and mortifying as it may appear, there is no resisting the conclusion that the Attorney-General's office, at an early day, became active in the attempt to prevent, first, the trial, and afterwards the conviction, of General Babcock. The points of this effort are clear.

After the discovery of the "Sylph" despatch, and its identification as General Babcock's, and when it became known that District Attorney Dyer was ready to go before the grand jury with this and other evidence collected, to show General Babcock's complicity, the Attorney-General sent for Mr. Dyer, and, after consultation over the case, by which he ascertained the latter's belief in Babcock's guilt, he directed Dyer to send all the evidence to him, that he, as Attorney-General, might determine whether there was sufficient ground for taking the case before the grand jury at all. Here was an unheard-of

interference. In cases of this character, the officers of the Treasury Department, and not the Attorney-General, are, by law, charged with conducting them. Such interference was, in itself, an official impertinence, to say nothing of its otherwise remarkable character. The District Attorney, however, declined to take the evidence to Washington, and this first attempt to break down the prosecution failed.

The military court, and the Attorney-General's action in connection with that, was the next important move in the same direction. While the Avery trial was in progress in November, General Babcock was earnest in his directions to have matters so arranged as, at all hazards, to prevent his being called to St. Louis. This was disclosed by his cipher despatches to Mr. Luckey, the President's secretary, who, curiously enough, was on the ground, carefully watching the progress of affairs, and reporting daily to General Babcock. On the last day of the Avery trial, a number of telegrams were read, apparently involving General Babcock. The next day, when the evidence closed, he telegraphed Mr. Dyer, demanding to be heard. His previous despatch to Mr. Luckey, insisting that matters should be arranged so as to prevent his being called to St. Louis, was in most difficult cipher. The demand upon Dyer to be heard was given to the country through the Associated Press. The reply to it could only be, that no opportunity for a hearing would be possible till the next trial. Upon receiving this, General Babcock, as he had the right to do, demanded a military court of inquiry; and the President, encouraged to a certain extent by the Attorney-General, determined to take the case out of the hands of the civil courts and turn it over to a military tribunal. General Babcock's right to such a court was not questioned by any member of the Cabinet; but the President's blunt proposition to suspend civil proceedings, and give the whole case into the hands of the military court, was stoutly objected to, and the President himself finally made to see its illegality and impropriety.

On the 3d of December, the grand jury at St. Louis being then engaged upon the case of General Babcock, and his speedy indictment expected, the President called a special

Cabinet meeting, to consider the application for the court of inquiry. The proceedings of that meeting, and the adjourned one which followed the next day, are only known in outline. It was stormy from the first, and it was with difficulty that open and sharp rupture over the President's proposition was prevented. Members of the Cabinet, not by any means in accord with Secretary Bristow in regard to the policy of his prosecutions, saw, with painful clearness and alarm, that the administration could not stand before the public if a break occurred on the points under consideration; and an adjournment was skilfully secured in season to avoid it. The President had opened the meeting with a declaration of his absolute confidence in the innocence of General Babcock, which was given in such tone and manner as made it evident he meant to carry with his words a sharp rebuke to Bristow. With exceeding bitterness, he charged that experts had been sent out by the Treasury Department to identify Babcock's handwriting in the suspicious telegrams. In the same tone and manner he announced his intention to have the Attorney-General telegraph St. Louis, suspending all civil proceedings against Babcock, and turning the case over to the military court. The law officer of the government did not oppose this. The Secretary of the Treasury, at the risk of open rupture, protested against the step, and finally it became possible to discuss the question at considerable length. The result was an agreement that the matter should be postponed for a day, until the Attorney-General could consult authorities and prepare a formal opinion.

Mr. Pierrepont was too good a lawyer to be willing to formally advise the President in the direction of his desires. Through much talk and many explanations, the next day's consultation of the Cabinet opened without a storm. The Attorney-General presented the legal difficulties, and Secretary Bristow supported him strongly; and finally the President was brought to see that the case could not properly be taken from the civil court, though, by common consent, it was agreed that the military inquiry should proceed. While the Attorney-General saw no way of superseding the civil proceedings by formal order, he at once gave such directions as would indirectly accomplish the same result. Informing Dyer that the

military court did not restrain him in the performance of any duty which the law imposed, — a sufficiently strange declaration from an Attorney-General in time of peace, — he, nevertheless, ordered that the documentary and other evidence collected by the District Attorney, together with the names of all witnesses, be sent to Chicago, and thus the whole case virtually turned over to this military tribunal, which had no power to punish, and could only express an opinion on the subject of the inquiry. To this demand — to his honor be it recorded — Mr. Dyer refused to accede, and called the Attorney-General's attention to the fact that such an order could not be executed without a contempt of the court at St. Louis.

The military court met at Chicago, December 9th. The Judge-Advocate, into whose hands, had Mr. Pierrepont's order been executed, all the evidence against General Babcock would have fallen, being, as the President was afterwards assured, a gentleman who held confidential relations to General Babcock, in connection with business transactions, no scheme could have been devised by desperate men better calculated to defeat the cause of justice. On the 9th, the grand jury at St. Louis returned a true bill against Babcock, for conspiracy to defraud the revenue. It only remained for the court of inquiry to suspend proceedings, and its dissolution followed. The temper of the law officer of this court toward the civil officers at St. Louis is well illustrated by his report of proceedings, as forwarded to the War Department, in which he twice attacks Mr. Dyer for disobeying the Attorney-General in not sending evidence to Chicago.

If the history of the whole case be searched through, crowded as it is with mortifying interferences in favor of the guilty, nothing more reprehensible or remarkable can be found than the circular letter sent by the Attorney-General to the district attorneys at Milwaukee, Chicago, and St. Louis.

It should be remembered that the Attorney-General was not charged by law with the management of these cases. This was vested in the Secretary of the Treasury and the Commissioner of Internal Revenue. He would have travelled no further out of his way, had he addressed a circular letter to

foreign ministers. He did not even consult the Secretary of the Treasury. The letter, as will be remembered, was one virtually forbidding district attorneys to allow accomplices to turn state's evidence, under promises of immunity. Mr. Pierrepont did not even inquire of the Secretary of the Treasury, or his Solicitor, who was conducting the trials, whether any considerable number of persons had been thus accepted as witnesses, but sent the letter, contravening the long-established rule relating to the testimony of accomplices in criminal cases, in response — as he himself stated in a letter addressed to the House of Representatives — to newspaper slips and private letters which came to the President and himself.

The fact is, that these stories of immunity were circulated and magnified by the prominent political influences of the ring, for the purpose of saving themselves. The President was made to believe that all distillers and lower grades of officers were to be released without punishment, if they would agree to swear against prominent politicians and high officials. He was assured it was a scheme, on a large scale, to obtain evidence upon which to enter his household, and with which to bring down his friends at the West.

No one took more active part in this war against accepting any testimony of accomplices than the attorneys of General Babcock. Some of them were in Washington, and one of them figured prominently in the procurement and publication of the circular letter. As a matter of fact, at the time the President ordered it written, but one accomplice had been accepted as a witness, although the President himself, a month before, expressed the opinion, upon the question being submitted by Secretary Bristow, that no price in the way of immunity was too great to pay for the capture of the political members of the ring at Chicago. And in this he went much further than the Secretary was inclined to go. Yet in the face of the fact, which could have been so easily ascertained, that only one person had been granted immunity, prompted by newspaper slips and personal statements, the Attorney-General, at the dictation of the President, wrote a secret letter which struck a vital blow at the success of some of the most important criminal cases then pending.

The particular circumstance to which the prosecution attributes the origin of the circular letter is well worthy of attention. A gauger named Everist, who was said to have personal knowledge of the forwarding of money by Joyce to Babcock, had been induced to leave the country. He fled to Italy, but was subsequently prevailed upon to return. He had reached Philadelphia, and made his statement to Mr. Dyer, who met him there. This fact was almost immediately made known to the Attorney-General and the President, and in less than an hour was in the possession of General Babcock. If Everist's statement was accepted through his turning state's evidence, Babcock's case would be desperate. Unless all who watched the course of affairs in Washington, and from the vantage-ground of official position, misapprehended the matter, the circular letter was designed especially to affect Everist. The Attorney-General himself, in his letter to the House of Representatives, said he had ascertained that General Babcock caused it to be copied from the President's papers and made public. It went to the press from the hands of one of Babcock's counsel then in Washington. The Attorney-General's account of the letter as given to Solicitor Wilson, and by the latter repeated under oath, was in substance that the President directed him to write it, and upon seeing the draft, asked him to make it stronger by so changing it as to forbid immunity being extended to any accomplices. The judiciary committee of the House of Representatives, in a unanimous report, thus alluded to the effect of the letter on the Babcock case: —

"It is alleged that the letter of the Attorney-General had the effect of suppressing testimony in a recent important case; that the defendant in that case understood it would have that effect, appears from the fact stated by the Attorney-General, that 'such defendant, distrusting perhaps the District Attorney at St. Louis, surreptitiously made it public.'"

In view of the main facts already stated, it is unnecessary to quote the severely condemnatory resolution of the Judiciary Committee, passed by a non-partisan vote, and reported to the House of Representatives. The manner in which the Department of Justice was used in the wide conspiracy to defeat the conviction of prominent offenders is sufficiently apparent.

The removal of General Henderson, the principal special counsel at St. Louis, is now well understood to have been a measure cunningly forced on the President by those plotters who, some with malignant intent, some with motives of personal interest, were ever seeking to use him to block the way of justice. Early in the summer, and before the trials began at St. Louis, the charge was made to the President that both Dyer and Henderson were his enemies, and was frequently repeated with emphasis. When in closing his fervent extempore speech in the Avery trial, Mr. Henderson referred to certain alleged Executive action, it is true that his words were capable of a construction making them a personal attack upon the President. The moment they were called to his attention, he promptly disclaimed any such purpose. His associates, and others of prominent standing who were present, declared that no offensive interpretation was placed at the time upon these words. It is also worthy of note, that no question was raised over the matter for nearly a week after his speech had been made and the sharp points of it telegraphed. The President had not discovered how badly he had been treated till some of those busily engaged in the attempt to break down the Babcock trial had arrived from St. Louis. Then it was seen how glaring the insult had been; and the Attorney-General, assuming the charge to be true, with his ready pen sent an insulting message through Dyer to Henderson. Meantime the mind of the President had been inflamed with exaggerated representations of the unfriendliness toward himself personally, on the part of those conducting the prosecutions. When the matter came up in Cabinet, and the exact words of Mr. Henderson were considered and his personal hostility affirmed by the President, none could stand in the way of removal, especially as the mouth of the Secretary of the Treasury was closed by an offer on the part of the President to appoint whomever he would select to succeed Mr. Henderson. The only point the President insisted upon was, that one whom he regarded as a personal enemy should retire from public office. He did not stop to reflect upon the expediency or the propriety of introducing his personality into a jury trial.

Thus the President had unwittingly performed new and val-

uable service to the ring. Mr. Henderson had the whole case in hand. He had studied the entire field, and the secret machinery of the ring had been revealed under his careful researches. To rid themselves of him was to secure a relief which could come in no other way. It was shrewd play to ward off opposition on the part of Secretary Bristow, by asking him to name a successor, for no one could step into the cases, master them while they were in progress, and become so efficient as Mr. Henderson had been. His removal was a great triumph for all the thieves yet untried. The President supposed he had only vindicated himself, whereas he had struck a severe blow at those bent on bringing the exposed Whiskey Ring to punishment. Beyond question, in this instance, he was urged on and effectively used by the ring.

Nothing can better indicate the character of some of the vile agencies which were employed by the ring and the politicians to defeat the reform Secretary at every point, than a statement of the operations of its detectives. They worked industriously in Louisville to prove, and at length openly charged, that General Bristow was a member of a large liquor firm; that he, as District Attorney, had taken money for compromising whiskey suits; that he had passed cotton claims by which his family were largely profited; that he had failed to prosecute a prominent officer whose deputy was a heavy defaulter, on account of family ties; and that he had furnished secret Cabinet information to a prominent firm there for purposes of speculation. All these stories were the result of active detective work performed by men whom it was necessary to pay liberally. Three or four travelled through the interior of the State, trying to gather evidence of fraudulent transactions in mules, while others worked on cotton claims, and others still on army stores. One set schemed for weeks to show that, as an officer in the field, Colonel Bristow had retained money levied on disloyal citizens. And one, more enterprising than the rest, after tracing the Secretary's history back to his boyhood, affirmed that he had once robbed a store, and offered to furnish the proof.

During the Babcock trial, many detectives were at work to weaken the case at St. Louis, by manufacturing charges against

the Secretary and the Solicitor. One was obtained to report directly to the Attorney-General. Another was engaged to frame a case against the Solicitor, and for this purpose invoked the aid of discharged secret-service employees in New York, and offered them "big money" for evidence to disgrace Wilson. One stole private letters from the government counsel, and forged an addition to show that the Secretary and the Solicitor had set spies to watch the President. This was previous to the trial, and at a time when a grand-juryman was acting detective for the defence, and reporting all evidence taken to the White House. An officer, acting under New York officials, was daily exposing the evidence of the government counsel to the defence. One was there to swear that the Solicitor had given an officer five thousand dollars to make a case against Babcock. A noted detective scoured Illinois, and, as he claimed, gathered the necessary evidence to prove that Major Wilson, when United States attorney at Springfield, had appropriated bail money to his own use. Another approached a distiller, and offered for eight hundred dollars to "set up" a case against Wilson that would ruin him. Detectives gained access to the President, and declared that in Wilson's room at the Treasury they had seen and read the manuscript of an editorial for the "New York Sun," bitterly abusive of the President and denunciatory of his course in regard to the whiskey trials; and they went so far as to give him the general points of the article. They promised, in a few days, to bring the editorial in print. And this they did. It probably never occurred to the President that the points given him were such as appear in some shape in almost every issue of that journal, and he was thereafter never quite ready to dismiss the idea that this paper was partially edited at the treasury. This feeling was assiduously cultivated, and bore good fruit for the ring.

These are a few illustrations of one extreme of the opposition. The other was found among politicians of national standing. Their work was even more contemptible than the efforts of the detectives whom they employed. They sat close to the ear of the President, and talked of third term, of duty to party, of damage to party through unnecessary uncovering of fraud, of the evident ambition of Bristow, of his clear pur-

pose to ruin the reputation of the President and his family, and on such ruin step up to power. They denounced sham reform, styled it an affectation, and an insult to the President and the rest of his Cabinet. They sneered at the work of the treasury through all the circles in which they moved, and filled the air of cloak-rooms at the Capitol and of private apartments with mean insinuations which were worse than lies. A very common form of speech by an aspiring senator was, "Is it not significant that the Democrats are always decorating Bristow?"

There were Cabinet officers who bitterly condemned the whiskey war; there were others who at one stage of the case did not deem it prudent to be seen much with the Secretary of the Treasury. There were times when the President would barely recognize him, and times when social intercourse was broken off. The Secretary understood it all as the results of attempts made through a thousand channels to drive him from his work by annoyances which were unbearable.

But time and again, when the schemers deemed success within their grasp, the Secretary swept their work away and faced them without flinching or sign of surrender, determined to complete the work in hand.

At every appearance of these seasons of Executive coolness the question of resignation was considered by the Secretary. His keenly sensitive nature made him thoroughly alive to the awkwardness of holding a seat in the Cabinet where cordial relations had ceased to exist. Two considerations repeatedly overcame his purpose to withdraw: he felt that the President's bearing was caused by the false representations poured into his ear for a purpose, and that it was the result of one part of the struggle which the ring was making for life. The aim was to drive him from the Cabinet by indirection. To resign was to surrender. Understanding as he did, and as the President could not understand, the plotting in progress on all sides, the Secretary deemed it his duty to advise him fully, and so at intervals the President, seeing the truth, came into accord with his Secretary again. The other consideration which determined him not to retire upon his own motion was the argument used by his friends, that he owed it to the country to

carry his work through, and never voluntarily abandon it till the ring he had exposed was punished.

By the opening of the new year, the question of nominating General Bristow at Cincinnati had become prominent. Its effect was to pile up obstacles and embarrassments in the path of duty he was pursuing. The entire machinery which two prominent candidates could wield was turned actively against him; and while it would not be accurate to say that they worked in the interest of the Whiskey Ring, yet they served all the purposes of allies. Their friends used every advantage of access to the President to arouse new jealousies, fan old prejudices into flame, and by all insidious flattery and ingenious forms of attack excite renewed hostility to the Secretary. These friends were allies of the Whiskey Ring in pushing Congressional investigations against him, and the spectacle was presented of Republicans urging these inquiries forward after the Democrats themselves had become convinced that nothing could be shown to the discredit of the Secretary. When the trial of Babcock came on, all forces heretofore named joined to denounce Mr. Bristow to the President for what they insisted was his evident purpose to strike the official and personal family of General Grant. The leaders of these combined forces had learned the spell which was to bring final victory. So long as their standard, inscribed "Bristow's ambition involves Grant's ruin," was lifted up, their armies prevailed, and when it fell their forces were put to flight. So they rallied one and all to stay up the hands of these prophets of evil. Detectives, politicians, plunderers of the revenue, candidates for the Presidency, disgraced officials, disappointed claim agents, and the representatives of many broken rings, gathered about this magic standard and held it up till the battle was done. Just in proportion as the people gathered about the courageous and sorely pressed Secretary did all these combinations redouble their efforts. The praise of the press was a fierce breath fanning their hate. The unmistakable evidence that the heart of the people was with him intensified those efforts by which the machine so regularly and certainly defeats the popular will.

But suddenly, as all these allied influences were about to

shout victory, there came unexpected defeat. The President had privately made known to a few his purpose to remove Mr. Bristow at the close of the Babcock trial, and without regard to its result. He had prepared a harsh and denunciatory letter demanding his resignation, and this was to be given to the press as his justification before the public for dismissing a man who, for purposes of his own ambition, had not scrupled to compass the ruin of the President and his nearest friends.

Fortunately, there were real friends of General Grant who learned of this determination. They felt he had been misled, and that his decision was the triumph which the ring had long labored to secure. Some of them knew that those in whom the President reposed most confidence, and who had been most active against the Secretary, had really been false in their official relations. In this grave emergency, when the President was about to take a step fatal to himself and to the party, because prompted and obtained by the ring, they determined at all hazards to open his eyes to the real character of some whom he had trusted most fully. The men who did this were not advocates of Mr. Bristow's political advancement, and their course was prompted alone by friendship for General Grant and interest in the welfare of the party. These friends called on the President, declared to him that he had long been deceived by men about him; and as a proof of this assured him that his private secretary and an ex-secretary had been engaged in the Black Friday speculation; that they had lost a large sum in the transaction; and that the officer who had been selected as judge advocate of the Babcock court at Chicago was the trustee for settling the losses of his secretaries. The President was overwhelmed with these developments, and the assurances that they were fair indications of the treatment he had received from men he trusted implicitly. At that time he accepted the proofs and the statements. The relations of Mr. Bristow were then thoroughly and candidly discussed, and as a result the President sent for his Secretary, and such confessions and reconciliations followed as seldom pass between men in high station. General Babcock also left the White House. The Belknap impeachment, falling upon Republicans with startling effect at this same juncture, caused even those who had

denounced Mr. Bristow's methods to turn eagerly toward him, thankful that in the storm bursting so suddenly upon the party, they could cling to him, — at least while it was passing.

For a brief period the Secretary was allowed to prosecute his work in comparative peace. But such combinations as were bent on his destruction worked none the less actively and effectively because they labored in secret.

A new element long scheming in this manner had come into the field with open defiance. This was composed of some of the chief politicians from the Pacific coast. In September Commissioner Pratt and Solicitor Wilson sent agents to San Francisco to uncover the Whiskey Ring existing there. Frauds to the amount of a million and a half of dollars were soon discovered. Late in the autumn the contest between the distillers and the department had become intensely bitter. Two United States senators and a representative appeared as active defenders of the former. False charges were filed against the officers sent to investigate. Nearly all the Federal officers in San Francisco combined against them. The changes asked by the Treasury Department were delayed. Those finally ordered were such as gave the ring little concern. Promises made at the White House were reconsidered, and at length the Secretary found himself powerless to wage any further effective war upon the California Ring. Senator Sargent at length succeeded in raising a direct issue between the President and Secretary, by demanding that certain officers should be dismissed, who, under the orders of the Secretary and Commissioner, had done faithful service in unearthing the California Ring. The contest was sharp, and ended by the Secretary declining to make the removals, and partially convincing the President that they ought not to be made. The entering wedge of difficulty had, however, been firmly planted, and every day witnessed its advance till the final rupture came. The San Francisco Ring was thoroughly intrenched at home among corrupt officials, and defended before the President with brazen effrontery by members of Congress. It was a contest begun and carried on mainly under Commissioner Pratt. It was managed with ability and skill, and would have proved eminently successful but for the aid received from the sources

named. As a final result, its complications largely determined the retirement of the Secretary and the Commissioner. In this case, as so often before, the mind of the President was daily poisoned by falsehood, until at last, unconsciously, he did the bidding of the ring.

Through the eight weeks preceding the Cincinnati Convention, the pressure against the Secretary increased in proportion as the contest waxed warm over the nomination. All influences heretofore pursuing him were united for final attack. His defeat would be salvation for many, and gain for all. But in the face of it the prosecutions went on, and day by day convictions of the ring were recorded. The leaders in St. Louis were in prison, and few had escaped. Those at Chicago and Milwaukee were either convicted or sure to be. In spite of the obstacles which had been piled along his way, the ring was thoroughly disgraced and shattered over all the field of first attack. The time had come when the Secretary could retire without being exposed to the charge of abandoning the fight. The increasing coolness of the President was clearly indicative of an approaching issue ; and so, to end the long battle at this comparatively favorable moment, the President was informed by Mr. Bristow that immediately after the Cincinnati Convention he designed to tender his resignation. Four days after its adjournment the Secretary and the Solicitor retired,— without receiving a word of written or spoken thanks. A few days later Commissioner Pratt was driven out. It was fitting that one selected specially to aid in the beginning of the work, and who had prosecuted it vigorously and fearlessly throughout, should thus close his labors. Promotion for honorable services in this war differed from that bestowed after Appomattox. The more brilliant the service, the greater the portion of contumely and abuse. One by one the chief actors in it were called before the lines, despoiled of their insignia, and drummed out of the administration camp, while the hero of the country's greatest war seemed to have been circumvented by strategy, captured, and put on duty in the prison-house of the rings.

Thus ended the long campaign. The net pecuniary result to

government will be over one million dollars. Of two hundred and thirty persons indicted, about one hundred have pleaded guilty, about twenty have been convicted, a dozen have fled from the country, and only five have been acquitted. The cases of the others are pending in the courts. The Whiskey Ring of the entire country, except that on the Pacific coast, is broken up, and such checks and guards have been devised as will render these former methods of fraud impossible upon any extended scale. In casting up the grand result, to these figures must be added the moral value of the blows struck by Secretary Bristow for reform, the awakening of public sentiment, the overthrow of a gigantic combination for evil, the full discovery of its long-practised modes, and the increase of several millions in the revenue during the year just closed. Had no money returns been received, and the campaign cost a million instead of thirty thousand dollars, which in round numbers was expended for that portion of the work performed by the Treasury Department, the gain to the government in the directions suggested would still be of immense value.

The space which this plain presentation of the story has required forbids comment. At every step the facts supply it. In view, however, of recent attempts to fix reproach upon the Secretary and his former assistants, it is but just to him and them that certain statements be put on record.

With the retirement of the Secretary came cessation of hostilities against the ring. To suspend all pending and incompleted action, and, so far as possible, procure pardon and remission for the convicted, was the next end in view. Since, from the first, misrepresentation of the Secretary had proved a most serviceable weapon, it was again brought into play. Hence arose the cry of a Bristow conspiracy, which sounded along the ranks of the ring till the edifying spectacle was presented of an apparent prosecution of the late Secretary and his assistants, in which they were treated as the leaders of a ring of conspirators against the President, his family, and his friends, where the witnesses were obtained by granting immunity, in the shape of continuance in office, to all who would testify against their former chiefs.

Every charge they have brought disappears before the truth. From the beginning of the movement till the resignation of the Secretary, the President was promptly and fully advised of its every feature, and especially of each indication that any near him, or of those who claimed his friendship, were in the slightest degree involved. And this was often done to the great injury of the prosecutions; for through General Babcock, his counsel, and those about him, the facts thus communicated were promptly placed in possession of the ring. After two or three marked instances of the damage thus inflicted upon the prosecution, most important testimony was discovered. The question arose whether it ought to be given to the President, in view of the certainty that General Babcock would at once receive it. The Secretary, upon being advised to withhold it for a time, peremptorily declined, on the ground that his duty, under the circumstances, was to deal loyally and frankly with the President, without stopping to forecast results. In this case, in less than an hour, General Babcock appeared at the department and showed his full knowledge of the matter.

The Secretary has been charged with making his move as a sensational play for the Presidency. As a matter of fact, he was extremely unwilling to strike the three cities at once, lest he should be charged with seeking effect. His own plan was to deal with each establishment in succession, and avoid all unnecessary public mention of the work in progress. It was in spite of his expressed wishes that the move at the outset gained such notoriety in the press. And throughout the long struggle, by his peremptory order, facts that would have startled the country and brought him great applause were carefully withheld.

The Presidency was a matter about which his most intimate friends could with difficulty approach him, until the press had made his name so prominent that it would have been affectation to keep silence with them longer. There was no organization in Washington formed to promote or secure Bristow's nomination. There were not more than six persons in the Treasury Department known to be earnestly for him. Nearly all the changes made, both in the department and through the country, on account of the whiskey war, resulted in the selec-

tion of men openly active for other candidates. The custom-houses, from New Brunswick to Mexico, and on the Pacific coast, were, with scarce an exception, against him. There were not a dozen revenue officers in the land who were known to favor him. He was simply executing the laws, and doing absolutely nothing beyond.

If further evidence were needed to prove there was no organized Bristow movement in Washington, it can be found in the circumstances attending the preparation of his letter of resignation, as the Babcock trial was closing. The President's determination to remove him, and the fact that he had written a harsh and denunciatory letter demanding his resignation, had come to the Secretary's knowledge. The triumph of the ring, and his own temporary discomfiture, seemed certain. For him it was a crisis of no common import. If he had powerful friends conspiring with him for the Presidency, then, surely, the occasion for their presence and advice had come. Certainly they must have been about him in this supreme moment. Here the truth again confounds slander. When the course he should take was discussed and decided, but four persons were with him. Two of these were present by accident, and none held prominent position. He had consulted only two others by letter. The question determined also bears pointedly upon the charge. Two forms of resignation had been prepared, — one reciting facts, which would surely have excited the entire country, as all now can see. The other was a simple note, stating that, in obedience to the President's request, he tendered his resignation. Great as was the provocation and the temptation, the Secretary himself decided that he would adopt the brief form, and trust the future for full vindication.

The unprovoked and galling attacks following his retirement, inspired by the same combinations which had so long pursued him, might have excused his giving the truth to the country. The temptation to do this was increased, when the President, again deceived by the false representations of the ring, and again led blindfold by the politicians, seemed to countenance the general attack on Bristow and his friends. The high position taken by the Secretary against answering before a

committee of Congress was ridiculed as the pretext of a demagogue, who knew that if he should speak truthfully the facts would reflect nothing but credit on the President. The letter relieving Mr. Bristow from all obligation of secrecy, and calling upon him to testify, sounded well. But it was written with the full knowledge that in Cabinet Mr. Bristow had always taken such strong ground against the right of Congressional committees to inquire concerning Executive consultations, as to make it certain that he would not respond by testifying.

When Solicitor Wilson was called, and testified so fully, the charge went out that Mr. Bristow had put him forward to tell the story. So far from this having any foundation in truth, the Ex-Secretary sent a messenger from New England, urging the Solicitor to disclose nothing which could be construed into a reflection upon the President, and to decline absolutely to touch upon the question of the President's attitude.

Since, from the first, Mr. Wilson had been charged with managing all the details of the case for the Secretary, and was his medium of communication with those who were conducting the prosecution, the very necessities of the situation made him acquainted with the President's course in regard to the whole matter, and with the Cabinet action thereon. No confidence was violated in thus informing him. Without the knowledge he could not have given the necessary directions. And when pressed by the committee, he alone, acting under the solemnity of an oath which bound him to tell not only the truth, but the whole truth, could decide the limits of his answer.

As for the President, those who know the most of the secret history of this move are freest to declare that in no instance did he do anything designed by him to protect the guilty or impede the course of justice. That his acts and his delays often accomplished both is now painfully apparent.

At the same time it is true that whenever the ring, by false representations, had developed serious Executive opposition to some feature of the prosecutions, or excited suspicion against the Secretary, the latter, until a late day, was always able to remove both, and disconcert the ring by a plain and courageous talk with the President. On these occasions General Grant

always inclined to the right. But the constant recurrence of such explanations, and the infamous character of the plottings which made them necessary, continually impeded the prosecutions and discouraged the Secretary. It is also true that on several occasions when he had decided to resign, the President insisted upon his remaining, and for a time thereafter the contingency of a resignation for such causes seemed to render the President alive to the situation.

Considering the nature and influence of the forces arrayed against the Secretary, and the facilities they enjoyed for constant access to the President, it is scarcely a matter of wonder that at times his eyes were blinded and his deepest prejudices aroused. His final surrender to these influences is more difficult to excuse.

The ambition which Secretary Bristow did cherish was to accomplish something toward true reform in government. His was brave, honest, and modest labor toward that end, and that alone. The result attained would have been remarkable had all classes of government officers and Republican politicians given him hearty aid. In view of the desperate opposition encountered on all sides, the degree of success becomes a matter of astonishment. What triumphs for practical reform might have followed had the Secretary been able to command that support which the letter of Governor Hayes gives promise of extending to all such workers!

The political student will see in this recital something far beyond the story. Mortifying as its main features are, they but truthfully reflect the whole management of the men inside politics. At his first step in the direction of reform, Secretary Bristow encountered them, and they stood across his path in battle array to the last. His success sprung directly from ignoring the usual methods by which frauds had been detected, calling unofficial persons to his aid, and directing their efforts through channels which were new to the ring and known only to his Solicitor in the department. Thus was he obliged to work at first outside of all regular official machinery in order to circumvent thieves. And when by a bold sortie had he captured the Whiskey Ring, he found himself in the position of a general who had taken a picket post and aroused an army.

Whichever way he turned, its watchful hosts confronted him. If he laid his hand upon the safe-burglars, upon plundering claim agents, upon the District Ring, upon the custom-house in New York, upon unfaithful officers in Washington, upon public robbers anywhere, the same lines of reserves moved forward to attack him. Senators, representatives, local politicians in swarms, the whole Washington lobby with its ramifications reaching every part of the land, thieves, detectives, officials at the White House, — such was the army which fought against the Secretary's reform. In a word he encountered the combinations inside politics, — the machine. It belongs to every party in power. Its corruptions increase with years, and its strength does not decay with age. Numbers of both parties have been represented in every great fraud yet discovered in Washington. The old Indian ring of the days when Democracy ruled eclipsed all later efforts of Republican thieves. The palmy days of the Whiskey Ring were in Andrew Johnson's time, for then the spirit tax was higher. Credit Mobilier had its Democratic participators; so of Black Friday and Pacific Mail; so of the District Ring, so of land jobs, and so of the Memphis and El Paso swindle. It was even impossible for Republican rascals to shake off Democrats when they came to rob the black man's savings-bank.

The machine, without regard to party, is corrupt. It commands either the active assistance or the silence of nearly all politicians. And these silent men are to-day the worst enemies of the Republic. They make it safe to defraud. They render it practically impossible to overthrow corruptionists. They would resent an accusation of participation in any of this robbery, yet are they accessories one and all. The machine of party is opposed to pure government. To those who control it reform is death. Not till the people rise in might and strike these political usurpers down, will reform become possible. And it will remain impossible so long as the voters of the country tolerate public men who, for the sake of party, rally to the defence of its political thieves.

H. V. Boynton.

ART. III. — 1. *Verfassung und Demokratie der Vereinigten Staaten von Nord America.* Von DR. v. HOLST, A. O. Professor an der Universität Strassburg. 1 Theil. Staatensouveranetät und Sklaverei. Düsseldorf, 1873. New York: E. Steiger.

2. *The Constitutional and Political History of the United States.* By DR. H. VON HOLST, Professor at the University of Freiburg. Translated from the German by JOHN J. LALOR and ALFRED B. MASON. 1750–1833. State Sovereignty and Slavery. Chicago: Callaghan & Co. 1876.

AT length the great work of Dr. v. Holst makes its appearance in an English dress. It is far from creditable to the American public that so long a time should have been allowed to elapse before producing a translation of what is certainly the best book which any foreigner has yet written on the United States, if indeed it be not the best book which has ever been written on that subject, whether by foreigner or native. What Dr. v. Holst claims in his German preface, not given in the translation, is strictly true: "So far as I know, there is as yet no work of the like range for which an equal amount of material has been collected, and in which that material has been so consciously worked." It is equally true that no other historian has followed out the main lines of our historical development with so keen a logic or so independent a spirit; and more than this, the book is a model of simple treatment and vigorous style.

Such a work was greatly needed, and it is mortifying to be obliged to confess that we know of no American who could have done it equally well. After the flood of trash which England and France have poured out with little variety for a century past on America and her institutions, it is beyond measure refreshing to find at last a man who knows what he is talking about and who attacks his subject in a way that commands respect. We commend the book without reserve to all American students; they will find in it an example of faithful study. We commend it to members of Congress; it is

not too deep for their average comprehension. We commend it to such of our professional politicians as may not be above the painful processes of self-instruction; for them it will be healthy diet. We commend it to our Fourth of July orators; without disrespect to them, we are free to say that Dr. v. Holst has written a far better centennial oration than any which the centenary has produced. We commend it to our clergy; they will find in it some healthy views on the subject of public morality. We commend it to our lawyers and our law professors; even they are not so complete masters of the science but that they may learn something from Dr. v. Holst. This book deserves to be and will doubtless become the recognized handbook for all serious students of American history.

If we praise for the moment without reservation, it is because such drawbacks as will be noticed hereafter are not of a nature to diminish the usefulness of the work to American readers, who are sure to make a liberal allowance for a foreigner's failure to admire their institutions, and who may be trusted to be sharp-sighted enough when there is any question of injustice done or attempted. They will find an amusement and a healthy intellectual exercise in seeking out for their own satisfaction the instances in which Dr. v. Holst has erred and where he shows the influence of prejudices which he has been at no pains to conceal.

Even American critics will however find it difficult to convict the author of any serious misstatement. Dr. v. Holst is, on the whole, in spite of prejudices, surprisingly accurate. He is a striking instance of the advantage of education in a good school. Only Germany can teach such method. He has lived long enough in America to understand, if not to sympathize with, the ordinary American tendencies of mind. It is true that even the Professor's wildest admirers can hardly claim for him a sense of humor that is absolutely acute, and his touch is not altogether that of Sainte-Beuve. His true German "sobriety of mind" condemns the American habit of meeting serious matters with a jest, and translates it into his book as a lack of moral sense. Perhaps he is right, and perhaps we Americans have in fact no very acute sense of moral duties, and kick against the prophets, including foreign moralists. If so,

this book will do good by the healthy rigor of its moral standard. If, on the other hand, this apparent want of convictions is only superficial, we may wrap ourselves up in our virtue and treat criticism with good-humor. In any case it would be in the last degree foolish for us to quarrel with Dr. v. Holst merely because that writer has, from an unfortunate superficial acquaintance with the exterior of Tammany Hall, imbibed some prejudices against our code of public morality, which we may hope would have yielded to a more intimate knowledge of the beneficent workings of that institution. Indeed, even among our own citizens, there are some who in the heat of political controversy are in the habit of saying as much if not more than Dr. v. Holst has said or intimated, in regard to a possible majority of their fellow-citizens, and, what is even worse, it is much to be feared that they mean what they say.

If then we have any objection to offer in regard to Dr. v. Holst's manner of meeting his subject, it is not that he has done us injustice. It is rather that, after a repeated reading of his work, in a spirit of faith which we rarely concede to the perusal of anything but "original sources," we are still in doubt what he means. In his preface to the American edition he says: "Several European critics of my work have been of opinion that my judgment of the American system of government and its working is an almost unqualified condemnation, and I do not doubt that some American readers will receive the same impression." But when we expect to hear the author go on to deny the justice of such an impression, and take pains to correct so unfair an inference, we find that he does nothing of the kind, but leaves us to grope our way in the dark as best we can. As a matter of fact, the book abounds in sharp criticism, not indeed unreasonable, but by no means flattering; in frequent allusions to American shortcomings which are rarely counterbalanced by equally spontaneous praise; in very liberal and even copious administrations of justice which are rarely tempered by mercy. Hence it is unquestionably true that the general effect left on the reader's mind is that of unqualified condemnation, as the foreign reviewers seem to have thought. Nine readers out of every ten would at once say that to them Dr. v. Holst represents that class of European critics

which patronizes American history; which considers Washington, Hamilton, Jefferson, Madison, Marshall, the Adamses, Clay, Calhoun, and Webster as very well-meaning men, and as men of very respectable parts though of limited acquirements; and which speaks of the American Constitution as an interesting political phenomenon in its way; but always with the reservation implied or expressed that, as compared with the political development of Europe during the same period, say under the guidance of Friedrich Wilhelm III., v. Stein, v. Metternich, v. Brandenburg, v. Manteuffel, and v. Bismarck, that of America has little to show; her statesmen have been hardly more than respectable, and her development of political principles has been feeble, to say the least. Dr. v. Holst himself nowhere says this, and he says very much which to our minds implies quite a different opinion. There is nothing in his book, setting aside a certain occasional asperity of criticism, which could lead any careful reader to charge him with it. But by setting up an absolute political standard so high that no people of any age or country have ever approached it, he suggests the conclusion that America has proved a lamentable failure, and he has taken no pains to warn his readers from drawing such a conclusion. They have accordingly done so, as he himself has shown. This is, however, a matter of very little consequence to Americans, who are quite able to draw their own conclusions. And indeed the same thing may be said of Dr. v. Holst's own views, should criticism succeed in deducing them from the context. The value of this work does not consist, to American readers, in the author's political theories, whatever they may be, but in his thorough mastery of his subject; the sure hand with which he excludes all that is irrelevant, and the clear statement of all that is important in fact or principle; the rigid application of the laws of logic and morality to historical personages and phenomena; the keen analysis of character; the even-handed if sometimes unnecessary severity with which justice is dealt out to parties and to party expedients. If the standard set up is somewhat too high for human nature, at least in the morally abandoned wastes of America, and if individual judgments are sometimes those of a German professor rather than those of a politician

who is forced to act within the limitations of the possible; if when tested by the same instruments, the political history of other countries on which the sun of the moral law shines with more force than it does here, would appear a mass of inconsistencies and impurities not much preferable to our own; yet there is this to be said for Dr. v. Holst's point of view, that foreigners may well be permitted to judge sharply, since it is pretty certain that natives will judge with foolish lenity, and we may fairly excuse ourselves for going abroad for our morals, seeing that as yet history has failed to inculcate any moral at all at home.

Another criticism on Dr. v. Holst's book, which will be further treated in the sequel, is that after granting the justice of his criticisms so far as they go, yet they do not go far enough to justify the fault he finds with the system of government. As a matter of fact, Dr. v. Holst shows no sufficient reason for his apparent conclusions. Perhaps this portion of his demonstration is reserved for a future volume. The misfortune is that the author, who brings overstrained complaints against the character of one political period, detracts from the effect of the criticisms which he has to make on the character of another. The experience of the last ten years has done much to arouse in Americans a sense of the weaknesses of their political system, and sensible criticism from any source is now very welcome to them. It would perhaps be unjust to say that the old boastfulness and arrogance, so disgusting to Dr. v. Holst, are wholly laid aside; but they are for the most part abandoned in practical usage and reserved for show, like other curiosities. It may even be doubted whether the readers of this Review would now be greatly edified by the remark quoted from its columns with so much disapprobation by Dr. v. Holst, that "the American government has its distinctly providential element. It was God's saving gift," etc. Such confidence in what the Abbé Correa, with more good-humor and more wit than Dr. v. Holst, used to call "the special providence over the United States and little children," appears of late to have been more or less abandoned by sensible Americans; and if one may judge from an indistinct recollection of certain telegrams of the present Emperor of Germany during

the late French war, a fair share of this youthful self-confidence seems to have fallen to the infant confederation of which Dr. v. Holst is a subject. All the more, therefore, is it necessary that criticism should be restrained from exaggeration. Its effect will be greatest where it is seen to be most free from captiousness and the imputation of ulterior motives.

With this preamble, the American reader cannot do better than to sit down in the spirit of meekness and forgiveness of injuries, and go through Dr. v. Holst's book, chapter by chapter, to draw from it the lessons that it can give.

Dr. v. Holst's intentions can only be learned from the German preface, which, for some not very obvious reason, has not been given in the translation. His original idea was to write a book on the actual social and political condition of the United States, but he very soon decided that this could not be properly done without first writing the constitutional history. This he has divided into two parts, the political and the legal. The whole work, therefore, is planned on the most comprehensive scale. The political history of the Constitution will form the first part; its complement, the legal history, the second; and the original disquisition on the present condition of the United States, the third. The volume before us is, therefore, the first instalment of the first division. It is very earnestly to be hoped that the author will carry out in its full extent his original intention.

This volume begins by a very clear statement of the political situation which preceded the formation of the Constitution, and of the inherent difficulties with which the attempt to form the new nation was surrounded. Of all these difficulties, the most serious was that the Revolutionary statesmen themselves were not clear in their ideas of what constituted a nation: —

"Particularism had become to such an extent part of the flesh and blood of the native-born colonists that it could not be renounced; nay, that it became a measure of necessity to acknowledge its supremacy after the first moment of excitement was over, and the separate interests of the States came in conflict, whether really or only apparently, with the general welfare. John Adams affords the strongest proof of this. Reason compelled him to adopt the national view, and he defended it with great zeal so long as his feelings did not get the

better of his understanding. The moment, however, that he allowed his affections to have sway, he gave evidence of his leaning towards the doctrines of the particularists. . . . . One man alone [Alexander Hamilton] saw clearly from the first that it would have been as profitable to rack one's brains in the vain endeavor to square the circle [as to make one nation by means of a confederation]. The American statesman's dictionary was written in double columns, and the chief terms of his vocabulary were not infrequently inserted twice: in the right-hand column in the sense which accorded with actual facts, and was in keeping with the tendency towards particularism; in the left in their logical sense, and the sense which the logic of facts has gradually and through many a bitter struggle brought out into bold relief, and which it will finally stamp as their exclusive meaning. Nothing but the bitter experience of many years has been able to make American statesmen even partially conscious that they have been using this double-columned political lexicon. The nature of the state was to such an extent a seven-sealed enigma to them, that they, *bona fide* and in the very same breath, used the same word in the most opposite senses, and employed words as synonymous which denoted ideas absolutely irreconcilable."

The first attempt to weld the thirteen "sovereign" States into one nation, made in the form of a Confederation, was therefore necessarily a failure. Only a general conviction, reached in 1786, that a desperate crisis had been reached, brought about the second experiment, which resulted in the Constitution of 1787: —

"The masses of the American people, in their vanity and overestimate of themselves, are fond of forgetting the dreadful struggle of 1787 and 1788, or of employing it only as a foil for the 'divine inspiration' which guided and enlightened the 'Fathers' at Philadelphia. In Europe this view of the case has been generally received on faith as correct, and 'the isolated fact' in history has been held up to admiration, that thirteen States loosely bound together as one confederate body did not see in the sword the only hammer with which their political machine, which was falling to pieces, could be welded together, but met in peaceful consultation and actually united to transform a confederacy of States into a Federal state of masterly construction. In America this is an inexhaustible theme for Fourth of July orations, and in Europe it is only too frequently used as a text for doctrinarian politico-moral discussions. With history, however, it

has nothing to do. The historical fact is, that the Constitution had been 'extorted from the grinding necessity of a reluctant people.'"

The influence of Europe was not without its share in confusing political ideas: —

"It were folly to say that Rousseau's writings exercised any influence on the development of things in America. But the same spirit which gave birth to Rousseau's philosophy, and made it of such importance to Europe, was, long before Jefferson grew intoxicated even to madness with it in Paris, rampant in America. It indeed received its full development here only through the French Revolution, but a series of fortunate circumstances prevented its development to its ultimate consequences. It appeared in the New World in a modified form, but was not wanting there. And here for the first time it became clearly evident that the civilized New World was not separated from the old one by any broad unbridged gulf. They are not only governed by the same historic laws, but the great intellectual revolutions which take place in the one act simultaneously in the other, although in accordance with the existing natural conditions they never manifest themselves precisely in the same manner, or make their influence felt to exactly the same extent. One needs only to read the Declaration of Independence to be convinced that but one more impulse was needed, even in America, to permit these crude theories to be openly advocated, which, disregarding that which had prescriptive right on its side, in virtue of its history, would endeavor to sap the foundations of all things, to lay down their arbitrary premises as unquestionable truths, and which would have willingly, in a night, overturned the state and the established order of society, to make them accord with the ideas which they were wont to call 'natural rights.'"

In the second chapter, Dr. v. Holst goes on to comment on the remarkable fact that the Constitution, from being an object of the bitterest attack and of only lukewarm defence, became the political bible of the whole people: —

"It is possible for us to trace the earliest beginnings of the worship of the Constitution. At first it was looked upon as the best possible Constitution for the United States. By degrees it came to be universally considered as a masterpiece, applicable to every country. This was preached with so much unanimity and honest conviction, although internal quarrels were raging all the time, that the propagandism of the new faith reached even Europe. In the United States this conviction grows steadily stronger, although parties not only differ con-

cerning the advisability of certain practical provisions of the Constitution, but have been from the first diametrically opposed to one another in their understanding of the principles on which it is founded. From the close of the century, that is, from the time when the opposing principles assumed a fixed form, the Constitution has been the political bible of the people. The child sucked in with his mother's milk the conviction that this was the light in which he should regard it. The paternal *sic credo, stat fides mea pro ratione,* was a guaranty for the rightfulness of this conviction. What should be deduced from the Constitution in the future was quite another matter. The wilder the war of tongues, the louder the cry of the Constitution was raised on every side, and the more energetically did every one swear not to deviate from it even by a hair's breadth. For four years the people of the United States tore one another to pieces in the most frightful civil war recorded in history, each camp thinking in the best of faith that it was following the standard of the Constitution. The time will come when it will be difficult to conceive how even Europe, which it did not concern, could, in view of the seventy-five years of contest over it, have so universally and so emphatically united in the non-critical laudations the Constitution has received. . . . . The Constitution has found many learned and intelligent commentators; but they have all considered its excellence to be an undoubted and universally admitted fact. What should have been only the result of their investigation, they made the premises of their arguments; and these arguments have been confined to the interpretation and to the bearings of the separate provisions of the Constitution. Much ingenuity has been spent in showing how its several provisions might be harmonized with one another and with the peculiar ideas of their authors on the nature and purpose of the general government. There has been no attempt as yet to consider the several provisions as parts of a whole, or to subject the whole to an objective critical examination in the light of history. The abler commentators, like Story, have now and then been forced upon conclusions from which it is but one step to such a course of treatment; but they have never carried out their chain of thought to that extent. They always break off at the decisive point, and proceed to the next question."

Dr. v. Holst himself gives no analysis of the Constitution, and leaves his readers to draw their own inferences from his story. From expressions scattered here and there, and from the general tone of his comments, it may be gathered that there were fundamental defects in the instrument, and that

the most fatal of these was the countenance it gave to State rights. Meanwhile he points out that the result of this fetish worship, as he calls it, was to turn away the public attention from the study of constitutional principles to a study of technical construction. The tendency to the creation of political dogmas kept pace with the development of democracy.

"A problem of this kind was then, and would be to-day, of much greater practical significance in the United States than, for instance, in England or in Germany; because, in some respects, the political thought of the Americans is much more superficial and immature. In political questions of a concrete nature, the Americans are, on an average, more competent judges than any people on the Continent of Europe. The political institutions of the country, its social and especially its economical relations, educate them from the cradle to independent thought on all questions involving material interests, and encourage them to summon their whole intellectual strength for their solution. But in the wearing struggles of daily life new problems of this character continually arise, and almost exhaust their intellectual strength. Their energy of mind is not in consequence great enough to give much depth to their thoughts on political problems of a general nature. The disposition towards generalization is sufficiently developed, but their observations are neither various nor long, nor reliable enough to warrant inductions of any real value. Half-true and vague ideas are, therefore, raised by them to the dignity of unimpeachable principles. These are appealed to on every occasion, so that they rapidly rise to the dignity of sovereign laws. And the more they assume this character, the stronger does the conviction become rooted that they are the stars by which the ship of state should be steered."

Dr. v. Holst's idea appears to be that, in the process of converting the Confederacy into a nation, the Constitution made a convenient battle-ground on which the two old parties, States-rights men and Nationalists, could fight out their battle within a sort of self-imposed limit, much in the manner of a tournament. Under cover of the fetish worship, the old tendencies lived and throve, merely interpreting the Constitution to suit their fixed ideas.

"Almost from the very day on which the new order of things was inaugurated, the conflict between the opposing tendencies broke out

anew, and before the close of the century it reached a degree of violence which suggested very serious fears. . . . . The view which afterwards became more general, that during the first years of the existence of the Republic the thought of separation was never seriously entertained, is a historical misrepresentation made in the interests of party. Until the first part of the nineteenth century, the dissolution of the Union was a standing element in political speculation; and both previous to and after that period, it was repeatedly considered possible, and even probable, in moments of excitement, by either party, that it would be necessary to resort to this radical remedy. . . . . These views are, to a great extent, very different from those which are prevalent on the subject; but they must accord with historical truth, for only in such case is the political history of the United States rational and explicable. Calhoun and his disciples were not the authors of the doctrine of nullification and secession. That question is as old as the Constitution itself, and has always been a living one, even when it has not been one of life and death. Its roots lay in the actual circumstances of the time, and the Constitution was the living expression of these actual circumstances."

During the administration of Washington the particularist tendencies were mostly quiet or organizing their strength. Only the disturbances commonly known as the Whiskey Rebellion threatened to develop into serious opposition to the power of the central government, and these were suppressed by Hamilton with a strong hand. But the retirement of Jefferson from Washington's Cabinet gave solidity to the opposition, and the accession of John Adams to the Presidency let loose all the passions of the old provincial jealousies. The first great storm was roused by the condition of our foreign affairs. Under the stress of imminent war with France, a Federal Congress enacted the alien and sedition laws. Thereupon Jefferson, with his masterly touch of a true political leader, caused the Kentucky and Virginia legislatures to issue what was to be the definition of constitutional principles for the Republican party. These famous resolutions declared the States to be the judges of infractions of the Constitution, and claimed for them the right to "interpose," or, in other but not essentially different words, to "nullify" the national laws. Already the Virginians went so far as to make arrangements

to seize the United States armory, and kept Dark's brigade in readiness to support their plans with military force.

"It is not possible to say whether, or to what extent, these preparations were directly incited by Jefferson and Madison. The suspicion resting on Jefferson is obviously the greater, as Madison was, from first to last, more cautious in his steps. Nor can any definite answer be given to the question how far Madison recommended more moderate measures, or how far a different interpretation of the Constitution lay at the foundation of these recommendations. Every move of his was made with anxious deliberation, and his native cautiousness, which sometimes degenerated into weakness and indecision, contributed beyond doubt to cause him to advise a milder and more tentative procedure. Besides, it may be that the internal struggle between his State and national patriotism, in both of which he was equally honest, hindered him from explaining to himself the 'interpose.' Perhaps he desired to leave open to himself, as well as to the legislatures of the other States, all possible ways of coming to a substantial agreement. It may be, too, that he entertained some real doubt whether the letter and spirit of the Constitution quite justified the last conclusion in the Kentucky resolutions of 1799, drawn from the correct principles (correct in his opinion), which were the common basis of the Virginia and Kentucky resolutions. Whatever estimate of the relative weight of these two motives may be made, the rôle played by Madison in the constitutional conflict which culminated in 1798 and 1799 throws much light on the real character of the Constitution itself and on the history of the development of the national spirit during the last decade. Much weight is not to be attached to the fact that Jefferson read the Constitution in such a way that the union of the States was, in principle, perhaps, a looser, certainly not a firmer one than it had been under the Articles of Confederation. It was not a difficult matter for Jefferson to act in opposition to his own theories; and it was still easier for him to reconcile himself to a contradiction between his words and his deeds. Ambition was the sovereign trait in his character. He was always ready to sacrifice much of his favorite theories to his feverish thirst for power and distinction, the more especially as his eminently practical instinct caused him often to doubt the tenableness of his ideal systems. Moreover, as he, partly from interest and partly because misled by his idealistic reveries, concealed his ambition under the mask of the greatest simplicity, stoical indifference, and even of disinclination to accept any political honor or dignity, so, too, his con-

science was not precisely what would be called tender in the weighing and measuring of words, whether his own or those of others. Such a character could scarcely always resist the temptation to make ink and paper say what, in his opinion, they ought to say. His mode of thought, which was a mixture of about equal parts of dialectical acuteness and of the fanaticism of superficiality, as short-sighted as it was daring, made this a matter of no difficulty. Hence it is that not the slightest weight should be attached *a priori* to his interpretation of the Constitution.

"The direct contrary of this is true of Madison. His was not a character so thoroughly and harmoniously constituted and developed as Washington's. He, too, concealed the depth of his ambition under a plain and modest exterior. When it or his over-sensitiveness was wounded, he too could be unjust to his opponents. The violence with which the party struggle was conducted by degrees carried him also so far away that he played a more covert game than can be entirely justified by the excuse of political necessity. And when it was a question of opposing a measure in too great conflict with his own party programme, he could descend to the letter and to petty quibbling, if he could not give his attack the necessary energy from the higher standpoint of the statesman. Spite of this, however, there was nothing of the demagogue about him. He is a purely constituted character, spite of the fact that his moral principles did not so unconditionally govern him as to leave his judgment entirely uninfluenced by his desires. It cannot be charged that he ever consciously approached the Constitution with the intention of discovering in it a word which he might make to serve his purpose by dialectical legerdemain. . . . . But it can be shown that he now read the Constitution in such a way as to find in it something essentially different from what he had advocated in Philadelphia, and from what he thought he saw in the completed draught of it. If it be conceded that he did not read the Constitution now so as intentionally to introduce anything new into it, and this will scarcely be denied to-day, these different interpretations can be explained only on two assumptions: without sophistry the terms of the Constitution must admit of essentially different meanings, and Madison's political proclivities and judgment must have experienced a radical change since 1787 and 1788."

The election of Jefferson to the Presidency stopped the further development of particularist tendencies in the Southern States, for the time. But although parties changed their

ground, the situation remained essentially the same. On the one hand, Jefferson became the great centralizing influence, and interpreted the Constitution to suit his own momentary policy in that sense. His attitude in regard to the constitutional questions involved in the Louisiana purchase was a "frivolous way of dealing with his own convictions"; it was "audacious contempt of the Constitution." On the other hand, the Federalist party became particularists, and dabbled in small schemes of separation. Dr. v. Holst measures out a tolerably even share of severe condemnation on both parties for their foreign policy between 1806 and 1815, and for the domestic consequences which that policy entailed. He sees in the embargo only "one of the best illustrations of the tenacity with which this practical people hold, in the face of experience, to political theories, once they have accepted them as true." And he looks upon the War of 1812 as solely the work of two or three reckless young Congressmen, who had personal objects to gain. They reduced Madison to the position of a tool of their ambition.

"Clay was elected a member of the House of Representatives [in 1811] and was chosen Speaker. He used the disproportionately great influence of his position with masterly skill and astounding recklessness [for war]. He appointed Calhoun, who had been elected to Congress for the first time, the second member of the important Committee of Foreign Affairs, of which he soon became the head. The first month of the session had not yet passed when the two young zealots had brought it to such a pass that they could proclaim as a fixed resolution what, a year and a half before, Clay had given expression to as an eventual wish. . . . . Randolph had said, in his great speech of the 10th December, that the committee had gone further than the President. Madison was indeed far from being able to master the situation. Endowed by nature with a clearer insight into matters of state, and with a much finer moral constitution than Jefferson, he became like wax in his hands when the Republican party had once obtained the permanent mastery in Virginia. The gift of persuasion which he possessed in an eminent degree, and which made him an invaluable ally, became ruinous to himself. When rocks stood in the way of his ambition, which his moral sense would not permit him to go round, his own judgment was then corrupted by a logic as sharp as it was insinuating. The impulse in this

direction he always received from others. To him were wanting the independence and energy of will which are the indispensable requisites of a great political leader. He remained, therefore, always a political attorney [Sachwalter] of extraordinary capacity, but never raised himself to the height of the statesman. These were qualities which eminently qualified him to serve as the right-hand man of his predecessor in the Presidency. But when he was himself placed at the head of the state, he found himself entangled in a terrible net, which he had wrought with his own hands. He was not the man to tear it in pieces with quick resolution, and his share in the production of the ruinous work was so great that he could not see that the net could be unravelled with success only on condition that the labor was begun without delay, with a firm hand, and in accordance with a well-considered plan. But even if he had seen it, he would scarcely have taken such a resolution, for in doing so he would have been passing judgment, not only on Jefferson, but on himself. Besides, now that the decision rested with him, his real nature got the upper hand. Moderate in his thought and judgment, he had always cautiously felt his way towards a middle course, where he had followed solely his own inclinations and judgment. Under the pressure of responsibility this commendable moderation now became painful uncertainty. Whatever was positive in the programme devised by Jefferson day by day crumbled away like baked sand in his hands. Every day the situation demanded more imperatively a decided initiative; but not only were the necessary qualities wanting in the man whose duty it was to act, but his whole programme, like that of the opposition, became more and more a purely negative one. Under such conditions, the field belongs, in a popular state, to those who have the courage to decide and to act. The *homines novi* in Congress had the courage, and therefore Madison became their tool. Their unsatisfied ambition expected to pluck in war, in rich abundance, the laurels which the questions of internal politics seemed to offer them little prospect of winning in the near future, because the democrats had an overwhelming preponderance. That there had been for years sufficient cause for war, is unquestionable; but it was, nevertheless, the work of a small, ambitious party in Congress. The country was dragged [hineingezerrt] into it, although the opposition party condemned it in a manner and to an extent which roused fear of forcible resistance and of treason; although the bearer of the executive authority and the head of the dominant party did not want it; and although only a small minority thought it really inevitable and demanded it with unaffected enthusiasm. This is a remarkable in-

stance how little self-government there is, under given circumstances, even among peoples which, by law, enjoy the most unlimited self-government, and how sharply facts often give the lie to the principle of the rule of the majority in republics. The war party obtained the majority in Congress, because vanity and the party interests of the majority forbade them to acknowledge their former mistakes. They had imposed every kind of restriction on commerce, and all that they had accomplished was to seriously damage their own interests. If they would not acknowledge that the idea which lay at the bottom of these restrictions was a false one, they were obliged to hold to the principle that there was no choice between these and war, and that policy and morals demanded a decision in favor of the lesser evil, so long as by this means the attainment of the wished-for end still seemed possible. From this it directly followed that war was not only justifiable but must also be declared necessary. The same burden of logical consequences, drawn from premises which he had himself made, weighed upon Madison. The enthusiasts in favor of war were in a condition to make another influence felt, and this decided the issue. The Presidential election was impending, and the war party made the unconditional adoption of their policy a *conditio sine qua* of his renomination. That the threat could be carried into effect was to be looked upon as certain, for Monroe and Clinton were already prepared to accept the nomination from the war party, and this party could not therefore be at a loss for candidates. Madison was not a man of such rigid moral firmness that his convictions should have withstood such a temptation. He fell a victim, like others before him, and like men of the greatest political talents after him, to the Presidential fever. Clay and Calhoun, who had especially abetted him in this trade, made at the cost of the country, afterwards wasted away under the same incurable malady."

The States of Massachusetts, Connecticut, and Rhode Island refused to call out their militia, and thereupon the President complained to Congress that if these States were right in their interpretation of the Constitution, the Union was "not one nation for the purpose most of all requiring it."

"The complaint was only too well founded; but what party was it that for twelve years long had toiled with restless energy to unravel thread by thread, or even to cut the national ties which the Constitution had been created to knit together? By what right did the anti-Federalists imagine they could assume that the old proverb would

not apply to them, that he who sows the wind shall reap the whirlwind? Had not Madison stood for ten years in the front rank of those who preached and strove against further national consolidation with such zeal as to make it possible now for the original national party to lay hands on the roots of nationality in its most vital part?"

The Hartford Convention brought the Federalists squarely upon the ground taken by Jefferson and Madison in the Kentucky and Virginia resolutions fifteen years before.

"The programme of the Convention was throughout a party programme, and this party programme adopted on the fundamental constitutional issue the position formerly chosen by the radical wing of the party opposed to them. Ultra Federalists and ultra Republicans met on a constitutional principle whose logical consequence was the dependence of the national existence on the free pleasure of every single State."

From these early contests, the author now turns to the subject of slavery, and narrates the compromise of the Constitution, which he unqualifiedly condemns.

"The principle was bargained away for the sake of the Union, and hence every new demand dictated to the slavocracy by the impulse of self-preservation presented to the North the alternative of yielding and thereby separating itself one step further from the true principle, or of endangering the Union. . . . . The longer men shrank from the test, the more dictatorially was the South certain to speak; the more she was sure to ask, the more must be conceded, and the more must the peculiar slavocratic interests dominate over the interests connected with the Union."

Then follows an account of the infamous legislation in regard to free colored men.

"Can all history furnish a second example of a nation flinging so great a lie with equal impudence in the world's face, as the United States, with its belief in the principles of the Declaration of Independence, did for almost a century?"

He then comes to the Missouri Compromise, and sums up the result of the dispute as follows: —

"Three constitutional questions — two of them of cardinal importance — had been discussed. Men had fought shy of all three for the moment, and for this reason the originators of the compromise

claimed that they had postponed the decision to the Greek calends. From a legal point of view only one positive result had been reached, and this was on a point concerning which no legal question existed. The Northern majority had indirectly renounced the right of Congress to forbid slavery, as far as the territory lying south of the line of 36° 30′ was concerned, and it had agreed to this renunciation because the Southern minority had renounced on its side its claims to having the questions of law involved decided *now* in its favor, provided its concrete demands, which it based on its interpretation of the Constitution, were complied with. This was the true nature and the substance of the 'compromise' which gave Henry Clay the first claim to the proud name of 'the Great Peacemaker.'"

This is followed by an account of the dispute in regard to the Panama Congress and a sketch of the character of Henry Clay.

"No one will deny Clay's capacity for statesmanship; but he yielded too readily and too earnestly to the lead of his vigorous fancy. He had to thank it for many fruitful thoughts, but it often prevented his weighing the nature of his plans and the chance of their realization with the necessary soberness. The vast extent and the uncivilized condition of the young West, whose most distinguished representative he was, mirrored itself strongly in his thoughts. He dazzled his hearers by the splendor of his projects, won them a hearing by his fiery, alluring eloquence, and helped himself and his followers over the difficulties in the way by a glittering sketch of the consequences which must result from the development of the ideas. His fancy's flight was towards the sun, but it bore him so high that mountains and valleys began to melt into a plain, and the foot resting on earth stepped uncertainly and insecurely. Moreover, his boldness in decision and action, when every-day circumstances created great and momentous problems that imperatively demanded a thorough solution, did not correspond with his boldness in planning. At such times he could not even entertain an energetic wish for a solution, partly because he did not subject the question of its necessity to proper inquiry, and partly because traditional dogmas and a lack of moral courage made him start with the supposition of its impossibility. Bargaining was then the sum of his wisdom, and his activity degenerated into obstinacy in chaffering. An idealist who wasted the best part of his creative power in impracticable projects, and a politician who was an unsurpassable master of the art of solving great and unavoidable problems by little expedients, — these are the most nota-

ble traits in Clay's political character. They do not give his picture in full, but they mark the tendency of his influence upon the fate of the Union. His other qualities and achievements did not lift him above the level of ordinary politicians."

The author now proceeds to recount the collision between the younger Adams and the State of Georgia, in which he dwells upon the fact that the so-called victory of the national government was a barren victory which bore the same fruits as defeat, and he concludes his volume with a recital of the nullification struggle with South Carolina and a sketch of the character of Calhoun.

"Calhoun was a true son of the soil from which he sprang, and he therefore possessed in a high degree the characteristic traits of the Protestant population of the North of Ireland, to which he belonged by descent; that peculiar primitive energy, in which an enthusiasm more idealistic than ideal is strangely linked with stubborn consistency. The blood flowed in his veins not less hotly than in those of any other Carolinian; but a piercing intelligence and a soaring ambition held it sharply in check when great questions were to be weighed and decided. He had not the breadth of view that characterizes the statesman, but he had extraordinarily keen vision. From the sole of his foot to the crown of his head a speculative politician, he was wholly unaware of the results to which his policy would inevitably lead; but the practical instinct of the American race, and a political activity extending over many years, enabled him to find ways and means for bringing the burning questions of the day to such a solution that he constantly brought his doctrines nearer and nearer to practical realization. He was not idealist enough to delude himself with the hope of an immediate accomplishment of his whole programme, and not to reconcile himself to the withdrawal of half his stake if it appeared that he could then win the game, and must otherwise lose it entirely. But he was enough of a fanatic to allow nothing to interfere with his will if the choice between going forward and a partial sacrifice of the *principles* of his doctrines was once set before him. In such cases he was capable of making 'bend or break' his motto, and this not merely in moments of the highest excitement. His attitude remained the same even when the struggle continued for years. If he had been a visionary whose system was built up in the air, he could scarcely have done this; the material interests which formed the broad basis of his doctrines gave him the needed

strength; yes, made this course a necessity. The Constitution and the history of its origin gave him only the formal foundation for the development of the doctrine of State rights, and its development with him and with the whole people did not rest upon *à priori* reasoning. He was originally by no means inclined to this opinion. The slavery question drove him into the path, and with the increasing development of the slaveholding interest he followed it on to the furthest consequences. By the light of slavery and in accordance with the laws of logic, he worked out the constitutional law of a democratic federative republic, and the logically correct result was a systematization of anarchy. He failed to recognize this fact because the doctrine was to him a means to an end, and his whole political reasoning became in time so completely identified with the prosecution of the one aim that the means became to his mind its own end. His inborn firmness, and the self-reliance that had been distorted into haughtiness under the influence of slavery, thus became obstinacy. It was not possible for him to place himself under the orders of a leader; but the one-sidedness of his political reasoning and striving, and especially the readiness, almost genius, with which he mastered in an instant the whole range of questions which lay within his narrow circle of view, made him unfit to be the leader of a great party; at the same time his talent and character marked him out for the head of a faction of extremists. But a growing ambition kept his eyes fastened upon the White House, which he could never hope to reach through a fraction, however devoted to him."

After an analysis of Calhoun's doctrines, showing that their very strength rested on the fact that they advanced no new principles, Dr. v. Holst comes to the compromise of 1833.

"The whole history of party up to that time had not seen stranger bedfellows than Clay and Calhoun were at that instant. They had begun their political career as brothers in arms, but now they had so thoroughly fallen away from each other that they did not even speak together. Even now no change was made in their personal relations. Party spirit and personal enmity have used this circumstance in order to stamp Calhoun as a 'coward.' Benton relates that Calhoun accepted Clay's conditions after he had been told by Letcher, a Kentucky representative, that Jackson wished to hear of no 'negotiation,' but was resolved to have him imprisoned and tried for high treason. Clayton, senator from Delaware, also declares that Calhoun's motive was fear lest Jackson should have him 'hung.' In this case, too, persistent repetition has sufficed to make the assertion of extreme

partisans become in the popular mind an historic fact. It has never once been asked whether it was in any way possible for Jackson to 'hang' the 'arch-traitor.' Jackson was enough of an autocrat not to let Americans, proud of their freedom, look back with too great satisfaction upon this chapter of their history. They need not at least boast, upon the most dubious testimony, that he had not an evil pleasure in acting as President with the same arbitrary brutality that he had shown as a general in hunting down Indians. Yet the law and Jackson's will were not always absolutely identical; and however certainly Calhoun, according to European ideas of public law, may have been guilty of high treason, it would have been difficult to have convicted him of it under the provisions of the Constitution. Calhoun was well enough acquainted with the decisions of the Supreme Court in the cases of Burr and Bollman not to be as much frightened by the first dark threat which came to him, at third or fourth hand, as, after a truce was agreed upon, his bitterest opponents affirmed. Only the partisan and the special pleader can lay weight on bits of history which have happened in the night and without a witness."

The volume closes with an analysis of the compromise measure in which "South Carolina had not obtained all that she at first demanded, but the Union had lost much and won nothing."

"Robbins of Rhode Island had rightly called the tariff bill in the Senate a practical recognition of the right of nullification, and John Quincy Adams had cried out in warning to the House that the result of paying such a premium for rebellion against the law must infallibly be the dissolution of the Union. As facts began to prove the truth of this prophecy, the most unreserved admirers of Jackson and the most conservative Democrats recognized the fact that the Carolinian, whom they had seen in spirit already hanging on the gallows, had wrung victory from the 'iron man.'

"It was a terrible victory; the vanquished have been shockingly scourged for the defeat suffered through their own sin, and the victors have been shattered in pieces by the consequences of the accursed triumph. But victors and vanquished brought down the punishment upon themselves, because there was one thing they did not understand, or, if they understood it, would not live up to it: 'Sovereignty can only be a unit and it must remain a unit, — the sovereignty of law.'"

The recapitulation of all the successive concessions to the

slave power, all the steps by which that power slowly converted the national government into an instrument of its own will, is a terrible one. It is with a shudder that one turns the last page of this tremendous indictment, and yet the volume ends at the threshold of the antislavery struggle; the worst humiliations are not yet touched.

After devoting so much space to the reproduction of Dr. v. Holst's own words, commentary upon them must be brief and condensed. We will place ourselves so far as possible in Dr. v. Holst's own point of view and accept his premises as correct. It is true that he goes too far in saying as he does that the solidarity of interests among the American provinces rested mainly on the fact of their geographical isolation from the rest of the world. Similarity of language, and for the most part of race, were quite as essential elements, as is shown by the fact that Canada, although equally isolated, stood quite outside the range of American political ambition. But this is a trifle. The essential is that Dr. v. Holst has laid down in the clearest language the problem which lay before American statesmen for solution, and the difficulties which stood in the way of any solution at all. That problem was how to weld thirteen "sovereign States" into a nation without appealing to force.

It is characteristic of a European thinker that the greatest difficulty of all should be considered to lie in the confusion of ideas in the American mind in regard to the nature of the State. Americans would say that this confusion of ideas was itself, so far as it existed at all, the expression of a simple historical fact which European theorists seem never to be able to comprehend, that the thirteen colonies had a history, and were so many entities, which were then and are still believed to be in themselves good. The American statesman was not a French doctrinaire, and he was faced by a fundamental fact which he had to deal with as he could. The process was necessarily tentative, and some time was needed before it became quite clear what was the extent of the sacrifice that would be required of the State governments; but so soon as this was ascertained, American statesmen went to work again in a perfectly practical spirit to adjust the balance. The question is whether the adjustment they made was satisfactory.

It is hardly worth while to defend the American statesmen of the last century further from the charge of confusion of mind. It was not their minds but the facts that were confused, and it is very much to their credit that they did not attempt to attack the subject from a standpoint of *a priori* theory, but all of them, even Hamilton, whom Dr. v. Holst admires so much, and who, according to him, alone comprehended the situation, rejected every thought of attempting to break rudely with the past. They were compelled, as a condition of the problem, to provide for the existence of two supreme powers in the nation. Dr. v. Holst seems to treat the very idea with contempt. But what says Hamilton, who is to Dr. v. Holst the sole representative of political perspicacity in that day?

"That two supreme powers cannot act together is false. They are inconsistent only when aimed at each other or at one indivisible object. The laws of the United States are supreme as to all their proper constitutional objects. The laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing, or they may operate on different parts of the same common object with perfect harmony."

Right or wrong in their solution of the apparently insoluble problem, both the problem and its solution were eminently practical, and cannot be satisfactorily treated from the standpoint of mere theory.

In this connection a similar criticism may be made on Dr. v. Holst's theory of the influence of French philosophy on the American mode of thought. He reduces that influence to a minimum, it is true, but he still overlooks the essential point that Americans were not Frenchmen. What with the latter was an eminently practical idea was to the former simply a speculative opinion. This point can be best illustrated by an example drawn from another foreign critic, who, as being himself a Frenchman, was apparently struck by this national peculiarity. If there was one man in America who was run away with by the French philosophy, it was Jefferson. If his political theories had been put in practice when he had the power to put them in practice, the result would have been very much what the result of similar experiments was in France, with the

difference that disintegration instead of despotism would have ensued. But Jefferson wanted to put his theories in practice only at such time as he had not the power, and when he had the power he carefully abstained from theorizing. The following picture, drawn by one of the first of French critics, gives an amusing sketch of our philosopher statesman as he appeared among the philosopher statesmen of Paris in 1788 and 1789 : —

"Il était aussi maladroit en matière de gout et d'idées que judicieux en fait de conduite et d'affaires d'état. Il est plaisant de voir sa galanterie. Il veut être gai, gracieux, et il est balourd ; il fait penser à cet Allemand qui pour se donner l'air léger se jetait par la fenêtre. . . . . Figurez vous des gens du monde et d'académie, parés, poudrés, beaux diseurs, gracieux, sensibles, qui munis de phrases et d'élégies, essayent de défaire et de remonter une machine énorme et compliquée à laquelle ils n'ont jamais mis la main ; voilà les Français du temps. Ce constructeur mécanicien qui leur arrive d'Amérique, et qui essaie de copier leur dissertations et leur costume, peut faire rire par son exaggération et son manque de tact. Mais demandez-lui son avis en matière d'engrenages et de poulies ; à coté de lui tous les autres sembleront des bavards. . . . . D'un coté le roideur et les audaces du théoricien, de l'autre la flexibilité et les atermoiements de l'homme d'action."

This, however, is a mere parenthesis. The American statesmen had no doubt their own theories on the subject of natural rights ; but the Constitution is simply an expression of the utmost compromise that could be effected between two actual facts, — that of a common nationality recognized by all, and that of local independence equally recognized by all. True it is that this compromise was at last "extorted from the grinding necessity of a reluctant people." But we are utterly at a loss to understand why that fact should be used by Dr. v. Holst to diminish the credit of the act, which consists in the good sense which the Americans showed in perceiving that necessity, and the good temper they showed in acting upon it. If Dr. v. Holst finds it difficult to understand the reason for the "laudation" which this act of the American people has called forth, we will venture to suggest to him an illustration of the opposite course. The German people have now for one thousand years or more felt the "grinding necessity" of political union ;

but as yet they have, in spite of one lamentable effort to imitate the United States, "seen in the sword the only hammer with which their political machine, which was falling to pieces, could be welded together."

The same answer may be made to Dr. v. Holst's comments on what he calls the fetish-worship with which the American people came to idolize their Constitution. The fact of this idolization cannot be denied. It was one of the first developments of that national feeling which the Constitution was created to develop, and to that extent it was a demonstration of the success of that instrument. But the feeling of veneration for the Constitution was wrong, not because it was veneration, but because it was veneration from mistaken reasons. In the same way the English-speaking people have idolized Magna Charta, to say nothing of other great documents with which they have marked the various stages of their political progress. No one of these has fully satisfied the theoretical requirements of the political situation, but they have all met the exigencies for which they were framed, and have worked sufficiently well until they have been succeeded by something better. Their practical success is the strongest evidence of the English genius for government, and it is the practical success of the Constitution which must be the test of the wisdom of its creators. Let us then proceed to examine the weight of Dr. v. Holst's criticisms from a practical point of view.

As Dr. v. Holst clearly points out, the object of the founders of the Constitution was to weld thirteen "sovereign" States into one nationality. In the words of the preamble to the Constitution itself, it was "to form a more perfect union." He is quite right in his assertion that nullification and secession were not the creatures of the slavery question, but run through the whole century of our history as its particular ear-mark. Yet it is difficult to comprehend why he should consider this fact as a fault of the Constitution. Had there been no particularist feeling, there would have been no need of a closer union; the task of the Constitution would have been already performed. The only real question is, how the Constitution has performed its work of union in the face of these particularist tendencies; how it has answered its purpose in control-

ling them. It is perfectly true that Jefferson and his party interchanged places with the extreme wing of the Federalists; that each in turn belied its own principles according as each was in power or in opposition. Let history judge them as individuals and as parties for their inconsistencies, and visit on them what condemnation it thinks meet. But the fact which the constitutional historian has to bear in mind is, not what were the inconsistencies of individuals, but what was the effect of these inconsistencies on the government. And it is a part of Dr. v. Holst's own reproach that when the opposition party was vested with a public trust, it followed precisely the same course as its opponent. What was established as law by Washington was respected as law by Jefferson. The precedents established by the Federalist administrations were accepted and enlarged by the Republican administrations. That Jefferson should have exercised as President powers more questionable than any of those which he had triumphantly assailed his predecessors for wielding, may prove that Jefferson was an unscrupulous politician, but it also proves, what is of far more consequence to the world, that the American political system was stronger than the individual, and that the Constitution vindicated its energy in its working. That J. Q. Adams should have been driven from power nominally because he advocated the application of national money to internal improvements, and that the application of national money to internal improvements should have continued with accelerated pace from that day to this, is only another instance of the operation of the same law. The very charges of Dr. v. Holst against Jefferson, Madison, and Jackson are founded on the assumption that, as a matter of fact, they consistently carried out the national theory of the Constitution, at the expense of their own private consistency. In their hands, as in those of Washington and the two Adamses, the authority of the Executive was not only maintained but consistently enlarged, although jealousy of the Executive had been one of the fundamental articles of faith among the opponents of the Constitution.

If this be the case with the Executive, the first great constitutional agency, the argument is still stronger in regard to the

second repository of political power, the legislature. Dr. v. Holst is very severe upon the repeated change of front which characterized the attitude of the legislature and of parties on the subject of a national bank. He is very justly shocked at the somersaults turned by Clay and Calhoun on the subject of constitutional powers, and few sensible American critics will care to defend the consistency of those gentlemen. But their inconsistency is in itself the strongest proof that the system was working out, with almost excessive energy, the results which it had been created to attain. That the legislature should construct a national bank; then should allow it to expire on the ground of its unconstitutionality; then almost immediately reconstruct it because experience proved it to be necessary, and therefore constitutional; then allow it to expire again because the President of the day chose to say that he considered it unconstitutional; that thereupon it should organize, step by step, a subtreasury system, issue treasury notes to an unlimited extent, give these notes the character of legal tender, and so assume entire control over the standard of values, raising or lowering that standard at will from day to day; and finally should mass all the private banks in the country into one huge banking organism, subject to the simple will of the national legislature, and acting on politics with far greater force than ever the Bank of the United States dreamed of doing; that the legislature in the course of eighty years should do all this, proves that constitutional theories fluctuated in appearance, but that the authority of the national legislature grew, in fact, with a degree of rapidity that bade fair soon to justify the fears of George Mason, of Patrick Henry, of Samuel Adams, and of Thomas Jefferson, whom every European theorist insists upon branding as blockheads, because they thought they saw in the State organisms a protection against the uncontrolled despotism of the central government.

And if it be an indisputable fact that the Executive and the legislature worked with almost too great force and steadiness for the establishment of that "more perfect union" which they were called into existence to develop, what shall be said of the last great branch of our government, the judiciary, the most original and the most carefully planned of all the por-

tions of our constitutional machine? It would be unfair to forestall what Dr. v. Holst may have to say on this subject, but it will be interesting to see whether Marshall, too, is to be adjudged a failure, and whether the Constitution from this point of view also is to be overthrown.

If then, starting from Dr. v. Holst's own postulates, it must be conceded that the Constitution as a practical machine has fulfilled the purpose of its creation, and has really formed a more perfect union and welded thirteen sovereign States into one nationality, we conceive that his objections to it fall to the ground. Americans are under such circumstances fully justified in their veneration for it, and the "Fathers" may rest in peace in their graves, without fear that their children will join in attacking them for not doing what it was utterly out of their power to do.

There remain now two serious subjects to deal with, in regard to which Dr. v. Holst has been excessively severe. The first of these is the War of 1812, into which the nation was "dragged against its will," and which offers "a remarkable instance how little self-government there is even among peoples who by law rejoice in the most unlimited self-government, and how often facts give the lie to the principle of the sovereignty of the majority in republics."

Either this is merely a somewhat pompous way of saying that the majority are commonly controlled by the men of the strongest will, or it is an assertion that self-government is impossible in republics, because the people do not directly decide every question by a popular vote. Dr. v. Holst is not given to preaching shallow platitudes, and we will not insult him by supposing that he meant here to proclaim one. What, then, does he mean by denying the possibility of self-government, merely because the representatives of the people, in the regular exercise of their trust, acting within the strict limits of their constitutional powers, and under a full sense of responsibility, decide to adopt a measure which a majority of their constituents may not at once approve? One of the most bitter charges brought by Dr. v. Holst against the American political system is that it destroyed the idea of representation, and degraded representatives into mere mouth-pieces of their immediate constituents.

And now he takes the broad ground that self-government is impossible because a majority of the legislature, influenced thereto by a few strong-willed men, did what he is violent against them for not habitually doing, that is, adopted a measure without waiting for a mandate from their constituents. If we supposed that this paragraph was intended to be read in America, we should conclude from it that the author was merely incapable of correct reasoning. But from internal evidence it seems probable that the sentiment is intended solely for a German audience, and that its aim is to demonstrate that Prince v. Bismarck is essentially as good a representative of self-government as Washington and Madison. If so, we have nothing to say in regard to it, beyond the mere suggestion to Dr. v. Holst, that however bad an institution Tammany Hall may be, it at least did not corrupt our American universities, nor pervert the moral sense of our historians.

And now in regard to the War of 1812, which arouses feelings of such deep hostility on the part of Dr. v. Holst. We have no intention of fighting that celebrated war over again, but, in the face of the pure doctrinaire views of the German professor, we may, perhaps, state what is conceived to be the concrete view taken of the subject by the vast majority of Americans at the present day. The statement that the country was dragged into that war to satisfy the ambition of two young Congressmen may be best met by a quotation from Dr. v. Holst's own words in another place: "The history of the United States is a too serious and instructive chapter in the world's history to be brought into the domain of trifles by the explanation of its most significant phases of development as due to the pettiest and most grovelling impulses of single individuals, permitted by circumstances to play a part in them." Calhoun and Clay had, in themselves, no weight whatever, except so far as they were representative men.

The truth is, that as the present century began, the fruit of the Constitution began to ripen. A new generation of men came on the stage, whose principal characteristic was an intense sense of nationality. The first of these was J. Q. Adams, whose passionate devotion to this ideal may be seen by any one who will cast a glance into his Diary, or any of his con-

troversial papers; the second was Clay; and the youngest, Calhoun. Dr. v. Holst does small justice to Clay in this respect. From the beginning to the end of Clay's long career, devotion to the dignity, the prosperity, and the harmony of the Union was his one rule of action. Calhoun fell away from him on one side, and Adams on the other. Both these men had a clearer insight than he into the heart of the situation. But Clay remained to the last what he had been at first, the unconditional supporter of nationality.

For years before the War of 1812, the younger portion of the community, especially in the West and Southwest, had been wrathful at the ignominy of the situation into which the two old parties had brought the country. Between the timid and undignified policy of Jefferson on the one side, and the narrow factiousness of the remnant of the Federalists on the other, they found no vent for that energetic self-assertion which belonged to their age and their situation. It was the rebellion of this youthful, and, no doubt, arrogant and reckless, spirit against the domination of what it considered an unpatriotic and cowardly party rule which brought on the War of 1812. Clay and Calhoun were able to force the declaration of war, simply because they represented that spirit, not because they were ambitious. And their power was itself a very fair measure of the extent to which the Constitution had succeeded in its work of building up a strong sense of nationality in the people.

As for the share that Madison had in the declaration of war, and the motives that impelled him to it, Dr. v. Holst is hardly to blame for taking a view which has been almost universally taken by Americans themselves; yet it would seem as though he might have applied for the benefit of Madison the same principle of political criticism which he has very properly adopted in regard to Calhoun; and this with the more propriety because Madison, of all the leading characters in American history, was the one who felt most keenly the burden of responsibility, and who was most sincerely conscientious in his public acts. To attribute his course to a desire for re-election to the Presidency, when it is perfectly reconcilable with the most patriotic motives, is, in Dr. v. Holst's words, "to bring history into the domain of trifles."

Finally, in regard to the War of 1812, it ought to be said that, so far as that war has still an interest to Americans, it represents now, as it did then, the self-assertion of a young and proud people just becoming conscious of their own future. Opinions will always differ very greatly as to the policy of such a war, and the motives of the individuals who were most active in causing it to be declared; but, so far as the nation is concerned, we state a mere fact when we say that of all pages in American history since 1789, the one which most Americans would be least willing to efface is this same War of 1812. And this for good and sufficient reasons. The American is by no means proud of his military appearance during that war, and the glories of Lundy's Lane and Chippewa have faded. It is not on account of military glory that this war is still popular. Nor is it even on account of naval glory, though it must be confessed that there are probably very few Americans now living to whom it is not to this day a subject of occasional rejoicing that on the 19th August, 1812, the British flag was hauled down from the stump of the "Guerriere's" mizzen-mast, and so some at least of the long series of British insults and outrages were at last atoned for. Nor is it merely because that war probably exhausted the national resentment, and so prevented other and more bloody collisions. The reasons why the War of 1812 is and always will be popular are, in the first place, because there is such a thing as self-respect in a nation, and that war was, in its essence, simply a rough and somewhat clumsy assertion of that self-respect, for the first time in the national history; and, in the second place, because it did more to strengthen the national feeling than all the twenty-five years that had preceded it. And yet it is quite true, as Dr. v. Holst asserts, that it was a party war. Perhaps he will explain how it could have been anything else than a party war, when, on his own postulates, nationalism was always the single great issue in politics, and the party out of power was necessarily a particularist party. Any war in those days must have been a party war, but the advantage of this one was, that it taught one part of the country a lesson of national feeling which, to this day, is keenly felt. New England learned then, once for all, not to trifle with the Constitution and with the Union.

It would be well if we could dismiss with equal peremptoriness the criticisms to which the political influence of the slave power gave rise. Unfortunately this is a chapter of American history which admits of no defence or palliation. Slavery warped the Constitution itself in a manner that for the time amounted to absolute perversion. Yet from a constitutional point of view we have a right to require the historian to be true to his own creed. Dr. v. Holst sets out with the assertion that the clew to our history during the last century is the struggle between nationalism and particularism. He considers the leaning of the Constitution towards State rights a fatal defect. The object of his book is to demonstrate this abstract proposition. He must then hold to his thesis.

The framers of the Constitution had difficulties enough to encounter, but there was one difficulty which they had no reason to foresee and never could have provided for. Had they contemplated the probability of such a development of the slave power as subsequently took place, they would certainly have abandoned their task in despair. The Constitution was not intended to be subjected to such a strain. Nor is this any fault of "the Fathers." As Dr. v. Holst has correctly pointed out, the great development of the slave power in politics was due to economical causes which were of a later origin, and the original concession made to the slaveholders in the Constitution was made on the theory that if there was any truth in the fundamental principles of human liberty, that truth was sure to vindicate itself by steadily undermining and destroying slavery. The principle was correct, although it worked itself out in an unexpected way. From their point of view the compromise was wise and proved the practical good sense of the parties to it. Their business was "to form a more perfect union." This they did, leaving the future to demonstrate the truth of their fundamental principles, so far as necessity compelled a temporary departure from them at the outset. Economical causes subsequently gave to slavery a prodigious development. It became a power in politics. For the first twenty-five or thirty years the Constitution had been subjected to the full strain of its State-rights tendencies, under conditions more unfavorable than were ever likely to recur, and had

not only made head against them, but had fairly conquered and bound them, so that there seemed to be no reason to apprehend further danger from that side, when suddenly, under the guidance of Calhoun, the slave power seized upon the old and almost exploded theory of State rights, vamped it up, gave to it a superficial varnish of logic, and so breathed into it new life. But that life was due not to the "inherent defect" in the Constitution in countenancing State rights, but to the unexpected development of the cotton industry. What Calhoun really defended was, not State rights, but the slave power; and what the North really had to fear was, not State rights, for if Calhoun had become President he would in all probability have been as strong a centralizer as Jefferson, but the perversion of the Constitution to the interests of slavery instead of those of freedom.

The concessions of the North to the slave interest are again a very fair measure of the success of the Constitution in doing its work of forming a more perfect union. No doubt it is true that more and more as time went on the finer sense of political principle was sacrificed to the growing passion of nationality: but for all that the Constitution was doing its work, and considering that it was now called upon to vindicate its existence against a greater enemy than its founders had ever dreamed of; considering that this simple declaration of certain practical rules of government was now the only instrument for preserving the nation from a peril so colossal and so terrible that one now stands aghast at it, and our foreign critics can actually taunt us with having "torn each other to pieces during four years in the most frightful civil war recorded in history"; considering that as a matter of fact the Constitution did its work and that the nationality it created was so tremendous a force that at the first moment the slave power ventured to raise its hand against it, that moment the North suffocated the slave power in its own blood, — surely we may, as Americans, venture to hide the wounds which the Constitution suffered during those years when it was our only hope, and still retain for it that veneration which, if not idolatry, is, we are bound to confess, something very near it.

We have no intention of deprecating foreign criticism or of

excusing inexcusable faults; but we have a right to claim and we do claim that the Constitution has done its work. It has made a nation. It has thoroughly vindicated the good sense and practical statesmanship of its framers. And more than this, in spite of the many shortcomings and petty drawbacks which are so well catalogued in this book, the people of the United States, as they pass further and further from the vital struggles which characterize this first period of their national history, are quite right in believing that, above all the details of human weakness and corruption, there will appear in more and more symmetry the real majesty and force of the national movement. If the historian will only consent to shut his eyes for a moment to the microscopic analysis of personal motives and idiosyncrasies, he cannot but become conscious of a silent pulsation that commands his respect, a steady movement that resembles in its mode of operation the mechanical action of Nature herself. As one stands in the presence of this primitive energy, the continent itself seems to be the result of agencies not more unlimited in their power, not more sure in their processes, not more complete in their result, than those which have controlled the political system. And if it be true that the moral of our history is correctly expressed in the aphorism quoted from the Prince v. Bismarck, that "sovereignty can be only a unit and it must remain a unit, — the sovereignty of law," then the history of the United States during its first century is surely entitled to the credit of having developed that principle with a rigor and on a scale which is not without its majesty and pathos.

HENRY ADAMS and H. C. LODGE.

Art. IV. — An Episode in Municipal Government.

IV. THE SHATTERING OF THE RING.*

There have been few incidents in the history of this country more sudden or thoroughly dramatic than the downfall of the Tammany Ring, in 1871, from its position of power in New York City. During the early days of July — but two short weeks before the fatal exposure took place — Tweed and his confederates not only believed themselves in absolute security from any dangerous assault, but they were believed to be so by others. Shortly before that time the New York "Nation," for instance, had referred to them as being more securely established in power than any dynasty in Europe; and that they jubilantly shared in this opinion was made manifest by their proceedings at the celebration of the Fourth of July by the Tammany Society, just sixteen days before the "Times" began its disclosures. On that occasion their hearts were indeed glad, and they did not hesitate to reveal their bright anticipations to the world. That Ring, the members of which met together and coolly divided their plunder in as unblushing and business-like a manner as any footpads who ever cried "Stand and deliver!" to true men, — these civic thieves, so far from suspecting the abyss which was already yawning at their feet, were actually at this time laying their plans to take possession of the national government. Governor Hoffman was their nominee for the Presidency, and was perhaps the most prominent candidate in the field on the Democratic side. The election was to take place in little more than a year, and consequently the leaders judged the Fourth of July celebration as good an occasion as any which was likely to offer for the formal enunciation of the Tammany programme. Naturally Tammany's Grand Sachem was its spokesman, and that Grand Sachem was William M. Tweed. In the light of immediately subsequent events, it is not too much to say that his speech was at

* For the previous articles of this series, see the "North American Review," Nos. CCXLV., October, 1874; CCXLVI., January, 1875; CCXLVIII., July, 1875.

once as comical and as complete a display of unblushing impudence as the world has often seen. It had one merit, — it was short; it was also pointed. "In these great and perilous times," he said, "stand-points must be taken. The Tammany Society propose to be governed by those rules which have made all countries powerful which have followed them. We propose that the interests of one shall be the interests of all. We propose to carry on a strict government. We propose to recognize the right of those who elect persons to high official stations, and to call them to personal account for the manner in which they have conducted themselves and performed their duties. We propose to wrest, if possible, the government from the hands of those who now, in our opinion, are betraying it; from those who are trying to crush out all principles of equality, liberty, and toleration. We propose to recognize the right of the governed to choose who shall be their governors. We propose to let the issue of the past die; to strike forward into a bright and noble career." It is certainly very questionable whether anything better than this in its way could ever have been perpetrated. The largest public peculator that the hemisphere has seen stands up before his victims, and, on the brink of his own exposure, gravely assures them of his own and his associates' intention "to call those in high official station to personal account for the manner in which they have conducted themselves and performed their duties." Tweed was himself by no means without a sense of humor, and it is not difficult to imagine how the huge frame of the hoary-headed old thief must have shaken with suppressed laughter as he rolled out these admirable sentiments, and thought of Hoffman as President.

Surfeited with wealth, as quickly as it was ill gotten, confident in the sense of strongly assured power, and intoxicated with dreams of a brilliant political future, it was small matter for surprise if the revelations made public through the "Times," in the latter portion of July, 1871, failed at once to disturb the equanimity of the Ring. In the first place, there was really very little that was new in that formidable array of figures. In one form or another nearly the whole of it had appeared before, and had failed to attract any considerable degree of

notice. That the case was otherwise now was very apparent; the excitement was indeed intense, — but how long would it last? The citizens of New York had been so very patient under the process of robbery, they had so lent themselves to it, that the robbers were fairly justified in believing a real reformatory movement beyond the bounds of probability. And accordingly neither Tweed nor his associates, except, perhaps, the timid and servile Connolly, for a brief space realized the serious nature of the situation. They had lived in the atmosphere so long that they did not know how electric it had by degrees become.

Nevertheless, on the 22d of July, two days only after the first exhibit of frauds in the "Times," Mayor Hall made what he intended for a response to them. In doing so, it is hardly possible that he could first have consulted with Sweeny, for what he said was so flippant, so inconsequential, so utterly inadequate to the occasion, that no adviser of merely tolerable judgment would ever have allowed him in that way to break a silence which, though dangerous, was at least discreet. On the merits of the question he did not even pretend to offer any explanation, but he contented himself with charging the "Times" with inconsistency and malice, and ostentatiously attempted to dismiss the whole subject as an ordinary newspaper controversy. He denied that the Comptroller's records were secret, and insisted that they had always been open to public inspection. He admitted that the Court House claims were large, and "possibly exorbitant," but as "the same majority that audited the claims had power to re-audit them over the Mayor's veto," he claimed that no responsibility in the matter rested either with Connolly or himself. With most ill-timed and unhappy assurance, he then went on to deny that the members of the special auditing board had any choice about signing the warrants, as their acts were merely "ministerial"; while, as to auditing the fraudulent claims, he with lofty dignity wrote, "I take my full share of the responsibility." This was substantially the line of defence which Hall subsequently set up for himself and his associates. He expressed neither surprise nor regret at the frauds, nor did he condemn their responsible authors, but he suggested all possible excuses for

their occurrence, and quietly tried to shift the whole burden of blame upon his colleagues' shoulders.

Naturally, a defence so thoroughly flimsy served rather to increase than to allay the excitement. Its sophistries were of that transparent kind most dangerous to deal with, because persons of the lowest average capacity can see through them, and it flatters their vanity to point them out. That the Mayor of the city, so directly assailed, should in a formally published card have only this to say in reply, was tantamount to a confession of guilt. The unfortunate charlatan, however, though he must have been conscious of the utter failure of this first attempt at a vindication, could neither be silent nor discreet. He scribbled anonymously in the papers, and he chattered in person to reporters. To one of these last he did not hesitate to say, towards the end of July, knowing, too, that his words would be published, that all the charges of corruption, even if there was anything in them, would be forgotten before the election for governor took place in November, adding that they now had control of the State "and were determined to keep it." Of the other confederates, Sweeny was out of town, passing his summer at Lake Mahopac, and, after his wont, he watched the rising tempest with anxious, selfish, cowardly eyes. Not being able to forecast its magnitude and seeing no clear way of escape from it, he affected an air of unconcern, refusing to come to New York, and causing it to be rumored that he did not reply to the charges, as they notoriously affected only his colleagues. In choice city parlance, he quietly intimated, in a way to insure to the utterance the greatest possible publicity, that "they" (meaning his colleagues of the Ring) "had a corpse to bury with which he had no concern." In point of fact, Sweeny was, as a thief, just as greedy and barefaced as either Connolly or Tweed. Long subsequently it appeared that his percentages on every bill paid under the fraudulent warrants were carried to his office, and often delivered into his own hand, without even a pretence at evasion. Now, however, his ostentatious accounting as chamberlain for interest on city balances stood him for a time in excellent stead, and, as he trembled over those ultimate disclosures which day by day grew more imminent, he must have ac-

counted the one apparently honest act of his whole bad life as his best investment. Thanks to it he was for the time being comparatively safe, and even as late as the close of the first week in October, Horace Greeley, over his own signature, wrote of him, "I have seen no evidence that Peter B. Sweeny is a 'public plunderer.' He has certainly kept very bad company, and has spent public money on the parks, etc., more lavishly than I can approve; but if he has either stolen himself or helped others to steal, I have no evidence of the fact."

While Sweeny with fear and trembling tried to assume this aspect of retired unconcern, Tweed and Connolly, though more discreetly silent, felt the pressure even more severely than Hall. They demeaned themselves each according to his nature,—the first as a coarse, bluff, good-natured, and surly bully; the last as a supple, whining craven. Unlike Hall, Tweed could neither write nor make speeches; but he was hunted out by reporters and did for a time talk contemptuously to them of the exposures, when he would have done better to have held his tongue. Connolly, on the other hand, neither talked nor wrote; he was probably too abjectly terrified to do either. At first, doubtless, he clung, as to superior beings, to Tweed and Sweeny, relying on the brutal strength of the one and the subtle cunning of the other to weather the storm. It was not long, however, before he rallied sufficiently to bethink himself of the infinite possibilities of deceit latent in all systems of accounts, and of his own recent and brilliant success with the informal committee of property-holders. He determined to try the experiment again. Accordingly, on the 4th of August, the Comptroller and the Mayor united in a card addressed to the Chamber of Commerce, asking that body to at once hold a special meeting and to appoint a committee of their number, which they suggested should be a "large and influential" one, "made up of well-known and upright citizens, to make a full and exhaustive examination" of the financial affairs of the city. Naturally, the proposition was met with the contempt and derision it merited. It was at once promptly declined by Mr. George Opdyke, the president of the Chamber of Commerce; and it was dinned into Comptroller Connolly's ears from every side that the accounts were to be published

and submitted to the body of the tax-payers in the manner provided by law, and not suppressed or reserved for the eyes of unauthorized committees, no matter how large and influential or well known and upright. Thus Connolly found himself no less unmistakably checked in his attempted move than Hall had been before him. Burying himself in his figures, the Comptroller then for a time became silent; but with the Mayor this was impossible. The severe strain to which Hall was now subjected exposed in the broadest possible light his shallow, babbling nature, and he piteously blundered along, always painfully assuming the same jaunty, complaisant air, no matter how distressing or ludicrous his position might be.

Having utterly failed to suggest a tolerably satisfactory line of defence for himself and his confederates through the press, he next had recourse to an official message in which he declared that the payment of the Court House claims had been one condition of a bargain with the Albany legislators, in return for the abolition of the old and corrupt Board of Supervisors; in this way implying that the fact that a body had been created by corruption justified its members in the commission of fraud. He added, with a strong element of what has since been defined as "superb audacity," but which is better known as shameless impudence, that there was nothing on the face of the bills "to suggest suspicion of bad faith to any one"; and this with the warrants for thermometers, awnings, and carpeting passed by the Board of Audit not only before his own eyes, but eliciting ejaculations of astonishment from the readers of every paper in the country.

As if all this were not bad enough nor sufficiently calculated to fan the spreading conflagration, Mayor Hall had also the supreme folly to instigate a suit against the owners of the "Times," on the part of the city, as claimant, under an alleged defect of title, of the valuable estate on which the building in which the paper was published stood. Anywhere else such an exhibition of impotent malice would have excited nothing but derision; in New York City, however, it was a serious matter. The Ring owned the judges. Barnard and Cardozo felt themselves hardly less involved than Tweed and Hall in the tempest which the "Times" was exciting. Under these circumstances

neither law nor precedent afforded the slightest reliance. The paper might be put in the hands of a receiver at a moment's notice, and its publication for a time practically suspended. There can be no doubt that this course was gravely considered, and was abandoned only when a deep growl of general excitement from far and near made clear its absolute madness.

Sophistry and falsehood and violence, under the garb of law, were now of little avail. They only made matters worse, and, plainly, there was nothing for it but to take refuge in silence. Instead of subsiding, however, the popular ferment increased, and spread throughout the State and the nation. The "Times's" figures were copied and commented upon by the entire press, and New York became the centre of universal and absorbing interest. One of the first and most important practical results of the revelations was to rouse the respectable Democracy of the city and State to a sense of the imperative need of freeing their party at once from its disgraceful relations with the Ring. During the month of August Mr. Samuel J. Tilden, who was chairman of the Democratic State Central Committee, held several conferences with Mr. Francis Kernan, Ex-Governor Seymour, Mr. Charles O'Conor, and Mr. Oswald Ottendorfer, all eminent and respectable Democrats, to consider the situation. A programme of action was laid down and agreed upon by these gentlemen, which embraced as its main points the cutting loose from the whole Tammany organization, as it then existed, with the purification of the judiciary and the Legislature. The great labor of giving effect to the plan was voluntarily assumed by Mr. Tilden, who, from beginning to end, both inspired and engineered this most dangerous of all the attacks on the Ring. He was indefatigable in his exertions, and neglected no means calculated to unite the decent elements of the party in favor of reform. Among other things he issued a circular letter to twenty-six thousand influential Democrats, in which he boldly declared that wherever the gangrene of corruption had reached the organization they must "take a knife and cut it out by the roots." He promised further that the present state of the local government should be made the subject of investigation and censure at the next State convention, and declared that the men who had caused the existing demoralization

"would have to go under." This was strong language from a partisan politician, but it bore fruit in the hearty Democratic support of the reform ticket in the ensuing election, and in other undertakings which Mr. Tilden and his associates presently set on foot.

Meantime the excitement in New York had become intensified. Serious fears were felt that violent measures might be resorted to, to rid the city of its corrupt rulers, but fortunately cooler counsels prevailed. This was not only good in itself, but perhaps, also, it was well judged, in view of the important fact that in an appeal to force Tweed's proletariat was not to be lightly despised. So many persons were still absent from the city, enjoying the summer vacation, that the call for a public meeting was postponed until September 4th, thus offering to the members of the Ring and their creatures a chance, though a desperate one, of getting control of the movement and diverting it from its real object to the harmless pursuit of some scapegoat. Naturally, with such a piece of work to be attempted, Mr. Nathaniel Sands at once came to the front. About two weeks before the day fixed for the proposed meeting, this gentleman bestirred himself actively to organize, through the agency of the Citizens' Association, a reform meeting at the Academy of Music. The programme was a very simple one; indeed, it was much too simple. A vast cloud of dust was to be raised, from which a prodigious uproar on the subject of frauds and reform was to be heard, and then a committee of respectable figure-heads was to be selected for the work of investigation, which was to be carried just far enough to quiet the public, but not far enough to hurt.

Under ordinary circumstances, nothing is easier than to carry out, in New York City, a programme of this character. The city swarms with respectabilities, busybodies, and men craving notoriety; and individuals as astute as Messrs. Sweeny, Hall, and Sands knew exactly where to put their hands on the instruments they needed. The difficulty with them was, that they could not realize that the exigency was not a common one, — that the community was not to be put off with sounding nothings. Accordingly the efforts of Mr. Sands met with little encouragement. Citizens flatly refused to subscribe their

names to his call, and asked him questions in regard to himself of a most awkward character. Thoroughly discomforted, he soon abandoned his efforts, and the field was left clear for the real opponents of the Ring to organize.

The meeting of September 4th, when it at last took place, was a magnificent and imposing demonstration. A vast audience assembled and responded, in a manner not to be mistaken, to the clear, well-defined utterances of many able speakers. The venerable Ex-Mayor Havemeyer presided, and in his opening address vigorously struck the key-note of the occasion. Mr. Ottendorfer pledged to the movement the support of the German voters; while Mr. Tilden energetically expressed the views of all respectable Democrats. The resolutions usual on such occasions were passed, but, fortunately, this meeting did not stop with them. It took an additional step, and one of great significance. A "Committee of Seventy" was appointed, to protect the interests of the honest tax-payers of the city, and to make the resolutions practically effective.

This now historical body met for organization the very next day, and continued its deliberations, at intervals, for several months thereafter. It comprised men of diverse views and pursuits, — lawyers, judges, bankers, merchants, professors, soldiers, editors, authors, clergymen, and gentlemen of leisure. Its meetings, though held at inconvenient hours, were almost always well attended; and this fact alone, in New York, where it is so difficult to secure the steady attention of any body of busy men to matters of general interest, was very significant. The Committee of Seventy was, in fact, a vigilance committee, carefully keeping itself within the provisions of the law. The result of the labors of the committee may be summed up as follows: it investigated and confirmed, by positive proofs, the corruption which the press had unearthed; it instituted proceedings in the courts against numerous members of the Ring, and then turned over the cases to the proper authorities for prosecution; it gave moral support to the "Foley" injunction, so called, which otherwise would have proved abortive; the appointment of Colonel Stebbins to the presidency of the Park Commission was due to its influence, and put an end to the maladministration of that department; it rendered valuable ser-

vice in organizing the election of November, 1871, especially in the choice of candidates for office; it devoted much time and thought to the discussion and drafting of a charter, in which the minority-representation principle was embodied, and which, but for the executive veto, would have become law; finally, during two successive sessions of the Legislature, the committee's influence was also exerted to defeat corrupt measures, and to bring about the passage of good ones.

These services were commendable; and yet, in comparison with what was expected, and in view of the labor and time and money expended, they not only seem, but were disappointing. The "Seventy," in fact, was like other bodies of the same character; it was eminently respectable, but it realized too strongly that the eyes of the world were upon it, and, accordingly, indulged too much in posturing and debate, and not enough in steady work. Even of the work accomplished by it, much was ill-directed and wasted. It was greatly addicted to debating, but debate would never have brought about the downfall of the Ring. Its existence inspired public confidence, but it must be confessed that its deliberations might have continued indefinitely without accomplishing any very decisive beneficial results. Tweed and Sweeny, if they had at this time expressed their innermost sentiments, would probably have intimated a tolerably complete indifference to the debates and proceedings of the "Seventy," reserving their wrath and fear for the quiet, untiring sluth-like assiduity with which Mr. Tilden was ferreting out their wrong-doings, and pressing them home in the party stronghold. The "Seventy," doubtless, annoyed and worried them, but the chairman of the Democratic Central Committee was fairly hunting them to earth.

Throughout the earlier stages of the final struggle, the comments of the other New York City newspapers upon the course of the "Times" were in keeping with their previous tone toward the Ring. Jealous of the great prominence which that paper had suddenly attained, with hardly an exception they belittled the charges of corruption, and, for a long time, gave, at best, only a lukewarm support to the reform movement. The "World," whose columns, but eighteen months before, had fairly bristled with exclamation-points and capitals aimed at

Hall and Tweed, shamelessly defended these "notorious corruptionists"; and now it found fault with the Cooper Institute meeting, because the chairman and speakers "did not represent the best opinion of the metropolis," asking why Messrs. Astor and Stewart had not been invited to attend. The "Herald," which, at the time of the six-million theft perpetrated under the Board of Audit, had cynically asked, "Who cares, on either side, how the money comes, so long as it goes freely to the party?" and which contended that the city debt was a "mere bagatelle," now totally suppressed the published proofs of fraud, and briefly referred to the Cooper Institute meeting as a gathering of "highly respectable and substantial citizens," who had appointed a committee to investigate the "alleged charges." This indifference was probably due to the influence of Hall, who loved to boast of his great power in the "Herald" office, and whose interests were, indeed, always well protected by that journal. Even the "Tribune" was too much influenced by professional jealousy to heartily support the efforts of its rival; and upon the plea of avoiding, through "reckless denunciation of unpopular persons, to tickle the ears of the groundlings," it used language decidedly calculated to lessen the effect of O'Brien's figures upon the public. It spoke of Sweeny's "towering spirit," and of Hall as being only "ministerially responsible"; and it was not until Mr. Tilden's revelations of the Broadway Bank accounts that it openly denounced Sweeny and the rest as the vulgar thieves they were. The explanation of this unusual mildness of tone on the part of a journal the moral tendencies of which were usually so good, was not far to seek. Coming events already cast their fantastic shadows before. Horace Greeley was even then suffering under the presidential fever, which, the next year, led him miserably to his death, and was averse to meddling with local and minor issues, or making foes of possible allies. The "Star," which had received a not inconsiderable fortune in the shape of corporation advertising, did not desert its patrons, whom it described as "high-toned gentlemen, men of probity, of honor, sensitive to the stigma upon their party." The "Staats-Zeitung," the organ of the German Democracy, whose editor, Mr. Ottendorfer, was one of the

speakers at the Cooper Institute meeting, was the only New York daily which earnestly seconded the "Times." This paper stoutly denounced all compromise, and said that reform must be *gründlich*. As the large German vote of the city followed close in its wake, the adhesion of the "Staats-Zeitung" to the reformers, at this time, was of vital import.

The tone of the Cooper Institute meeting, and the prompt organization of the Committee of Seventy, dissipated the last faint hope in the bosoms of those composing the Ring that the excitement would blow over. They had already held many stormy conferences, at which mutual denunciation was indulged in. The bonds of self-interest, which alone ever held them together, were now broken, and each one sought only his personal safety. They, in fact, stood in pressing need of a "vicarious sacrifice," as the proposed victim subsequently termed it, but their Jonah was evidently to be no volunteer. That the ship had got to be lightened no longer admitted of doubt; but who was to be thrown over, and by whom, was a perplexing question. Sweeny and Hall, by virtue of natural sympathies, joined forces against Tweed and Connolly, and were soon ready with a programme, under which Connolly was to be indicted, and so abandoned to angry justice, while Tweed was to be induced to resign, and retire precipitately to Europe. As respected Connolly, the scheme was, from their point of view, fair and wise enough; but it seems inexplicable that any such design should have been gravely entertained by his confederates for sacrificing Tweed, as he had more friends than all of them united. Hall, nevertheless, began operations by plainly informing Connolly that "he must go"; and this private demand was at once publicly seconded by the "Herald," which called on Tweed also to resign. The strongest pressure was now brought to bear to force the Comptroller out of office, and, among other things, the city debt was declared to be two hundred millions, and its existence was laid wholly at his door. Connolly, however, stood his ground and would not yield, though he was in a state of abject terror, and was quietly disposing of his property against a time of trouble. On September 6th his wife transferred half a million of United States registered bonds to his son-in-law, Joel Fithian, for

safety, yet still retained three and a half millions of the same securities, — showing how very provident her husband had been in better days.

Events were now rapidly approaching a climax. On September 7th a citizen named Foley, president of one of the ward reform clubs, but who had previously held rather close relations with the Ring, applied to Judge Barnard for an injunction, which, if granted, would compel Connolly's retirement from office. It sought to confine the city authorities within the limit of the tax levy of two per cent authorized by law, and prohibited the Comptroller from any further issue of bonds. The move was entirely an individual and irregular one; the petitioner, as an individual tax-payer, under well-established decisions of the Court of Appeals, was in no way entitled to represent the public, and his motion for an injunction should at once have been denied. A hearing was had on the 8th, at the close of which, instead of taking the papers for examination, or giving a moment's consideration to the case, Barnard, in his usual off-hand, reckless way, said to the counsel, "You are entitled to this order, sir; I will grant the injunction." The court-room was crowded with excited reformers, who received the unexpected decision with a prolonged burst of applause, and for a few days even judicious persons spoke as though Barnard had undergone a new birth, and become a shining light of reform. Even the "Times" allowed itself to be, or from motives of policy pretended to be, deceived, and announced with an air of great satisfaction that all the vigor of Barnard's character was enlisted on the side of purity and reform. The fact was that Barnard was acting on a complete understanding with Sweeny. His order was aimed, not at the Ring but at Connolly; and indeed, if it was suffered to remain in force, it was hard to see how that individual could long remain in office. The city treasury was practically closed. On the 15th, after a long argument, the injunction was made permanent, Barnard, in his decision, commenting very severely on the Comptroller. These proceedings at the time attracted far more attention than they deserved, being, in truth, a mere *coup manqué*, as became apparent so soon as the order began to pinch Tweed as well

as Connolly. It was then gradually and quietly modified away. This "joke of George Barnard's," as Mayor Hall termed it, was perpetrated on the 8th, and on the night of the 10th the Comptroller's office was broken into, and a number of vouchers, one hundred and forty-one in all, for county work performed by Keyser and other contractors, the signatures to which had in many cases been forged, were stolen, and it is believed burned. By a lucky accident ten similar vouchers were passed over by the thieves, and afterwards proved of great service in the suits against Tweed. This robbery, it is supposed, was committed by some one in the confidence of the Ring, and from within the Comptroller's office, with the object of removing certain dangerous documents which had been required by the joint investigating committee previously appointed by Hall. At this time, however, a general destruction of all books, papers, accounts, and memoranda relating to city affairs was going on. Tweed had directed Ingersoll to at once make way with his, saying to him, "That 's Peter B. Sweeny's advice, too"; and Ingersoll had not only lost no time in obeying him, but had also passed the word to Garvey and Miller, who had done the same. Doubtless the vouchers which were stolen from the Comptroller's office contained evidence of transactions which the Ring would gladly have destroyed; but the thing was done so clumsily, so partially, and with such evident ignorance, that it is difficult to avoid the conclusion that its chief object was, not the destruction of the papers, but to throw suspicion upon the person intrusted with their care. It certainly had that effect, and the popular outcry was loud against the Comptroller. Hall at once took advantage of this, and turned sharply on his confederate in crime. On the 12th he addressed him a formal letter, in which he expressed himself in this almost ludicrously characteristic way: "With great personal reluctance I officially reach the conclusion that the exigency requires your retirement from the head of the finance department. . . . . I cannot suspend any head of department, not even pending an investigation. I can only prefer charges to the Common Pleas, who alone can remove, after a considerable time for trial. I am compelled to throw myself, therefore, as Mayor, upon your magnanimity, and ask under the circumstances for your resignation."

The move on Hall's part was an ingenious one, and brought to his side a large portion of the press and the honest public feeling which clamored loudly for Connolly's instant resignation. That he could not long sustain himself was apparent enough to all, and most of all to those who were immediately around him and witnessed the abject terror of the wretched malefactor. The vital question, however, was, Who is to succeed him? The struggle was over the succession. The Mayor and his confederates were straining every nerve to secure for themselves the appointment of the new Comptroller, confidently hoping that if they could but do so the frauds might yet be concealed, and the storm, so far as they were concerned, blow over. In this attempt they were now receiving the active assistance of a large portion of their adversaries. The game, they evidently thought, was not yet lost. Again they were disappointed. Mr. Tilden suddenly stood in their path.

It was on the evening of the 11th that Mayor Hall had thrown himself on the magnanimity of Mr. Connolly, suggesting the process of hari-kari to that gentleman in so insinuating a manner. On the 12th Connolly had mustered a sufficient degree of courage to inform him that he was "unable to submit himself as a vicarious sacrifice to satisfy the hungry appetite of adversaries for a victim," and that consequently he declined to resign. Having thus closed the correspondence, the wretched man abandoned himself to despair. He knew perfectly well that his position was wholly untenable, and that his old associates would have no mercy upon him. He was liable at any moment to arrest and imprisonment. The whole world was against him, and he was alone with his cowardice. In his utter wretchedness he finally bethought himself of Mr. Tilden, and through a friend begged for an interview. Somewhat surprised at the request, and not knowing what might come from it, Mr. Tilden appointed a meeting for the morning of the 15th. Then and there Connolly poured forth his whole soul. He showed the position in which he stood, and explained how the members of the Ring were planning to spring in on his fall, and to make themselves parts of a new system, — leaders in reform. He applied for advice and protection. Declining

to be his legal counsel or in any way to act for him, Mr. Tilden then frankly told him that he must resign his office, but on no account into the hands of his former confederates. The question then arose about his procuring money to carry on the city government, notwithstanding the "Foley" injunction, and on that point Mr. Tilden desired time to consult with others, and deferred the rest of the interview until the evening. In the mean while Mr. Tilden notified Mr. Havemeyer that his presence was needed, and when the time came that gentleman was on hand, but Connolly was not. His courage had again given out. After some consultation it was decided that Mr. Havemeyer should then go directly to Connolly's house and find out what was the matter. He did so, and found him lying in his bed, sick and ready to give way under the sense of pressure, which he said was "crucifying him." After giving him such encouragement as he could, and so "putting some back-bone into him," Mr. Havemeyer left, having, as requested by Mr. Tilden, appointed another meeting at that gentleman's house for the next morning, to which Connolly promised to come, accompanied by his counsel.

This anxiety on Mr. Tilden's part for a renewed interview was due to the fact that, on examining the laws after Connolly left him in the morning, he had noticed a singular enactment authorizing the Comptroller to appoint a deputy, and to confer upon him for a definite period all his own official powers. This clause had been slipped into the act to enable Mr. Connolly to take a trip to Europe, which for some time he had desired to do; but Mr. Tilden instantly saw that the power therein conferred was equally available for the appointment of a deputy with full powers, and with the Comptroller yet remaining nominally in office, though in New York. Here, then, was the key of the situation. The reformers must take possession of Connolly, and through him and in face of his confederates, seize on the city treasury. That evening Mr. Tilden prepared the necessary papers, and the next morning at ten o'clock Mr. Havemeyer, Mr. Connolly, and that gentleman's lawyers appeared. On the way one of these last stepped in to see Mr. P. B. Sweeny, who had at once been ready with his suggestion. It was that Mr. Connolly should resign, that a man of sufficient

character to assume the whole work of investigation should succeed, and that Connolly should himself be protected. This course was strongly urged at the conference; but Mr. Tilden objected to allowing any voice to the Ring in the matter of filling the succession, and he carried his point. Among those present at the interview was Mr. Andrew H. Green, and him Tilden suddenly designated as Connolly's deputy. A reluctant assent to this arrangement was at last extorted, the papers were speedily executed, and Mr. Connolly left the house only to accompany Mr. Green to the City Hall, there to install him in office as Deputy-Comptroller. Thus Mr. Tilden had actually appointed a city treasurer, and by so doing seized the very stronghold of the Ring.

It was a veritable *coup d'état*, and felt to be such by Mayor Hall. That official at once realized the extent of his own folly in asking for Connolly's resignation on the ground that he had no power to remove or even to suspend him. Had he been equal to the occasion he would, instead of so doing, have assumed the necessary power, and forced the Comptroller out of office at any cost, so creating a vacancy for himself to fill. It was too late now, but the wretched jester's powers of blundering did not fail him. Refusing to recognize in any way Mr. Green as Deputy-Comptroller, he suddenly found himself illumined as to the extent of his own power as Mayor, and wrote a new letter to Connolly, in which he removed him from his office, giving as his ground for so doing that the "power of removal exists as an incident of the power of appointment, and that the process of impeachment is a merely co-ordinate but not conflicting power, to remove in effect an impeached officer by procuring a vacancy." He then at once appointed General George B. McClellan to the vacant office, and had the pleasure of seeing that gentleman promptly decline. That day the excitement about the City Hall was very great. An attempt to eject the new deputy by force was anticipated, under cover of an injunction, or some other order of court, and every preparation, including the presence of a number of armed men in the Comptroller's office, was made to resist it. Mr. Tilden's services were again in active requisition. Knowing full well that freedom from doubt as respects the law was no security at all in presence of

the Ring judges, and not being so childish as to share in the new-born confidence in Judge Barnard's ardor for reform, he felt the necessity of bringing every possible influence to bear. He accordingly sought out Charles O'Conor, and obtained from him a volunteer opinion affirming the validity of Mr. Green's possession. A carriage was kept in waiting, ready to take Mr. Tilden armed with this document to Judge Brady, and the plan was to get that magistrate to vacate the fraudulent orders of the Ring judges as fast as they could issue them. Such a scandalous judicial conflict would probably have been possible in no other civilized community in the world; but in New York it was not only possible, but would have been a mere repetition of what had taken place only two years before, during the raid of Fisk and Gould on the Albany & Susquehanna Railroad, when Judge Peckham at Albany had rapidly vacated the rapidly issued orders of Judge Barnard in New York. In the present case the immediate publication of Mr. O'Conor's opinion obviated the necessity of having recourse to this dangerous expedient. The question of Mr. Green's right to his position had been referred by Hall to Mr. O'Gorman, the corporation counsel. Unscrupulous as he was, that official did not, however, venture to dispute so high an authority as Mr. O'Conor, and therefore advised the Mayor to acquiesce. Then, as was fit and proper considering the harlequin character of A. Oakey Hall, all the noise and bluster tapered off in one poor, weak pun. Summoning the newspaper reporters to his office the next day to give them some official announcement, he jocosely received them with this reference to the yesterday's excitement and to the clothes he then had on, "Gentlemen, some of you yesterday said that I had received a severe check, and, *in testimonium veritatis*, I have, as you see, put on a check suit."

The effect of this transfer of power was momentous. It once for all divided the control of the city administration, and checkmated the operations of Hall, Tweed, and Sweeny; still more important, it protected the records on which all legal proceedings had to be based, and thus supplied clews to the subsequent discoveries of Ring crimes. Indeed, every investigation afterwards made was the fruit of the possession of the Comptroller's office by the reformers, and but for this suc-

cess it is safe to say that Tweed and his fellows might still be exerting a paramount influence in New York political affairs. Last and most important result of all, this move in the game fairly blocked for the Ring its most promising avenue of escape, — it finally drove them to bay. It was no longer possible for them to hope to divert public attention from themselves by means of a "vicarious sacrifice." Sweeny's carefully laid plans were thus completely baffled, and it now only remained for his associates to have recourse to Tweed's brutal reliance on the voting power of a perfectly ignorant and thoroughly corrupt constituency. The Ring was fairly driven home into its last stronghold.

Upon his accession to the comptrollership Mr. Green refused payment of all uncertain claims. No less than eighty different authorities had incurred debts for the city, and in many cases there was no proof, nor even a record, of such obligations. The accounts of most of the city officials were, moreover, in disorder. Salaries had been overdrawn, and many of the officials were indebted to the treasury. In all these and numberless similar cases Mr. Green refused to pay out any more claims until the courts had established their correctness. As a result of this rigorous course a saving of several millions was effected, amounting in one instance, that of corporation advertising, to a reduction of ninety-one per cent in the annual outlay. Among the still unsettled accounts, however, is Sheriff O'Brien's famous bill for $200,000, which led to the exposures in the "Times." A special commission was appointed in 1873 to audit and so finally dispose of this claim, but O'Brien, either not approving of the men composing the board, or considering the times inauspicious, never brought the matter before it. This historical account, therefore, still remains an element in city politics.

Though the Ring was now fairly dislodged from the city treasury, and the fact of enormous frauds having been perpetrated established beyond all question, yet no specific acts of plunder had been traced to any individual, nor had the system under which the members of the Ring divided their booty, if any such existed, been discovered. While investigating certain warrants drawn in favor of Keyser & Co., the in-

dorsements to which were alleged to be forgeries, Mr. Tilden struck upon a clew which induced him to examine the books and papers of the Broadway Bank, where not only the city but the individual accounts of several members of the Ring had been kept. On comparing the books, memoranda of deposits, and city warrants, he speedily became convinced that some undiscovered rule of proportion ran through them. He then set experts to work, and after some ten days of patient puzzling was rewarded by the discovery of the whole system of division. The accounts of Tweed, Connolly, Sweeny, Watson, and Woodward in various banks showed that on every warrant in favor of certain persons, the first named received about 24 per cent, the second 20 per cent, the third 10 per cent, and the last two 5 per cent each. The proportions, however, were not absolutely exact; the variation it is true was not great, being less than 2 per cent, but still it existed. The perfect accuracy of Mr. Tilden's conclusions was demonstrated at last when, long subsequently, the Ring contractor, Ingersoll, having turned state's evidence, explained this variation. It seems that, not content with raising each bill so that the original charge was reduced to 35 per cent of the whole, these absolutely insatiable thieves had also caused the warrants to be antedated, in order that interest might be charged from such date to the time of payment. In this interest Tweed, for some reason, did not share, nor did it appear on the face of the bills, being computed subsequently to their approval and included in the warrant. Its presence, therefore, caused the greatest difficulty in the investigation to Mr. Tilden, and only when it was accounted for was the accuracy of his results absolutely verified. The success of this investigation was the most important link in the whole chain of evidence against the Ring. It made it complete. At last the mask was completely torn from the face of Peter B. Sweeny, and he stood exposed with the rest. Up to this time the Ring had through him maintained a sort of dubious footing in the possible measures of reform; and only a few days before the Broadway Bank discoveries the Ring organs had eagerly suggested that if men like Mr. Sweeny and Mr. Tilden would only act together, all would yet be well. This was over now. His share of the plunder was directly

traced into the hands of each one of the confederates, and the legal evidence on which the subsequent actions for its recovery were based was complete.

Having failed in his well-meant efforts to make Connolly the "vicarious sacrifice" for the Ring, Hall next essayed to clear his own skirts from suspicion. Accordingly on the 19th of October he appeared before the grand jury, and was duly "investigated." All the more prominent assailants of the Ring government, including Messrs. Green, Spaulding, Copeland, Havemeyer, Storrs, Stebbins, Schultz, Tilden, Ledwith, O'Brien, Booth, and Jones, were subpœnaed as witnesses. District-Attorney Garvin, a professional and personal ally of the Mayor, conducted the examination, and was successful in so far as he compelled most of the witnesses to admit that they had no actual "knowledge" of Hall's culpability. An unsuccessful effort was made to show that the frauds "began in the Comptroller's office and ended there," and that Connolly and Watson alone were responsible for them. Mr. Havemeyer was asked if he had not in auditing bills, while Mayor, sometimes signed them upon trust, as was Hall's custom; but he denied that such was ever his practice, excepting with warrants for trifling sums. Mr. Jones, publisher of the "Times," was pressed to supply proof of the charge made in his journal that Hall was a "thief," but could only cite O'Brien's figures and other public evidence as a basis for the assertion. As evidence that Hall had not profited by the Ring frauds, Mr. Brown, his law partner, estimated his fortune at only $60,000, and showed by his bank balance that he had not been in the receipt of any large sums of money for two years before. After hearing this evidence, and without cross-examination or any effort to probe the matter further, the grand jury dismissed the charge, but at the same time condemned the Mayor for carelessness and neglect.

Ordinarily the proceedings of grand juries are secret, and it is a crime to reveal them. A full report of the examination of Mr. Jones appeared, however, in the "Tribune," with editorial comments upon the sinfulness of its rival the "Times" in making charges against a public official which it could not sustain in court. Subsequently the entire evidence was printed in a pamphlet and widely circulated by Hall.

Simultaneously with Connolly's open break with the Ring, the latter were relieved of the presence of another of their associates, whose absence at this juncture had become most desirable. Andrew J. Garvey, whose plastering contracts for the new Court House had given him so wide-spread and unenviable notoriety, had early taken alarm at the popular ferment. He at first sought aid and counsel from Hall, who assured him that there was no cause for fear; and when Garvey asked if there was any danger of his property being tied up, the Mayor sagely replied, "Who is there to sue?" This encouragement did not prove lasting, and the terrified Garvey let drop, in his efforts to defend himself from accusation, hints that the responsibility for the frauds rested upon Tweed and Woodward rather than upon himself. Word was quickly cenveyed to the great Ring-master that Garvey was likely to "peach," and it was decided that he must immediately be gotten out of the way. A desperado named J. Hennessy Cooke had an interview with the great plasterer, and very plainly assured him that if he said or did anything to injure "the old man," as Tweed was generally called, he would be murdered. "The job has been put up," he encouragingly added, "and I am to do it. There won't be any pistols or noise, but you will be got out of the way so that nobody won't know how." Doubtless the parties knew their man; at any rate this threat, backed up by the persuasions of Walter Roche, another of Tweed's henchmen, who promised Garvey that his interests would be well cared for in his absence, induced the latter to abscond. He sailed for Europe September 21st, and his former allies took good care to ascribe his voluntary exile to conscious guilt. They even pretended, though without securing any converts to the theory, that the different contractors had stolen all the money.

One by one, in fact, the lesser birds of prey were now taking the alarm and seeking safety in flight, greatly to Tweed's relief. After Garvey was gone the leaders of the Ring effected settlements with his brother for work he had done for them individually. At an interview held for this purpose, Tweed remarked that the only person whom he then feared was Woodward, and that "he wished he was dead." Woodward,

however, had early placed himself beyond his reach, having followed in Garvey's footsteps after a brief interval, proceeding first to Montreal, and from thence crossing to Europe. Excepting Sweeny only, Woodward seems of all the gang to have best looked out for his own interests. With a cat-like regard for his personal safety, though closely tracked by detectives, he constantly evaded them. No one knew more than he of the inner secrets of the Ring, yet he showed no disposition to reveal them, and, far from reciprocating Tweed's unkind wishes, he always professed great regard for his patron in crime, and declared that on no account would he injure him in any way.

On the 5th of October the Democratic State Convention was held at Rochester to nominate a ticket for the coming election. This was considered by both the Ring and its assailants an event of the first importance. Mr. Tilden had made elaborate preparations to control the convention and to induce it to totally cut off the existing Tammany organization and cast it out from all party association. The nomination of Mr. O'Conor as a candidate for the attorney-generalship was an important feature of his programme. In order to insure an issue he also, at the proper time, called together a meeting which appointed a reform delegation to dispute the right of the regular Tammany delegates to represent the city in the convention. The proceedings of that body when at last it met resembled not a little those of its predecessor held in the same city two years before. Gangs of New York ruffians, transported free of cost over the Erie Railroad, packed the hotels and other places of meeting. Threats of personal violence were freely uttered against any one who should venture to interfere with the will of the Ring, and it was even declared that the convention would be broken up by force if the anti-Tammany delegates were admitted to the floor. Intimidation, seconded by liberal bribes administered by a notorious lobbyist named A. D. Barber, did its work; and Mr. Tilden, as he subsequently himself admitted, demanded too much when he suddenly called on a political party in a closely contested State to lop off from itself an organization which employed twelve thousand voters, disbursed thirty millions of money each year, and controlled the judiciary, police, and election officers of the largest city of the

continent. The Ring consequently secured a partial triumph, or rather saved itself from overwhelming defeat, by forcing through a vote without debate under the call for the previous question, omitting New York wholly from the roll of delegates, and excluding both the Tammany and reform representatives. This adroit move gave Tweed, who was present, the practical control over the convention. A State ticket, not unsatisfactory to him, was nominated. Mr. O'Conor was rejected for the attorney-generalship by a large majority; while, as a further indication of spitefulness to the reformers, Mr. Kernan's seat was contested by a member of Governor Hoffman's staff. The sanguine expectations which Mr. Tilden had entertained were thus far from being realized. Had they been, the fate of the Ring would then and there have been sealed, as it would have had no chance in the election with both party organizations arrayed against it. As it was, it had secured a reprieve. Mr. Tilden none the less boldly denounced it, laying down the programme which was to be carried out in the coming November in the following language: "I am free to avow before this convention that I shall not vote for any one of Mr. Tweed's members of Assembly. (Hisses and uproar.) And if that is to be considered the regular ticket, I will resign my place as chairman of the State Central Committee and help my people to stem this tide of corruption." In the words of the "Times," "no portion of the blame for the suicidal course of the convention attached to Mr. Tilden"; but Tweed was, none the less, so elated by the result that he at once telegraphed to Hall to make no further concessions in his own case or that of Connolly until his return.

A distinct reaction in the popular movement was perceptible after the Rochester convention. The proceedings of that body had operated like a bucket of cold water emptied full in the face of an excited man. Nor was this any occasion for surprise. Now that the first access of enthusiasm had passed away, the more thoughtful among the voters of New York began to realize the magnitude and difficulty of the task they had undertaken. The more they contemplated it, the less they liked it. They had undertaken to oust a wily and utterly unscrupulous foe, full of resource, intrenched in office, in ab-

solute control of the whole machinery of election, and looking for support through the forms of universal suffrage to a solid, immovable rock-bed of ignorance, crime, and corruption. Accordingly nearly a month was now suffered to elapse without any marked change in the position of affairs. Much was meanwhile done in the way of negotiation and conference, but it was finally concluded to await the issue of the pending charter election in November. The prevalent feeling was not hopeful as to the result, and shrewd observers predicted that Tammany would return more than half the candidates. Even Mr. Tilden was not over-sanguine; while the "Times," within a fortnight of the election, confessed to the hopeless feeling of the days which preceded the exposures of July.

And indeed these fears were justified by the signs of returning confidence and strength in the Ring. On September 24th Tweed had been unanimously re-elected chairman of the Tammany General Committee. His renomination to the State Senate followed closely on his victory at Rochester, and was made the occasion for a "magnificent demonstration" in his behalf on the part of a constituency which, dwelling, as it did, in the lower wards on the east side of the city, probably embraced a larger percentage of vice, ignorance, corruption, and depravity than any other equally numerous body of voters in the United States. These honors encouraged him to resume his old braggart tone. As late as October 30th he told a "Herald" reporter that he would neither give up the presidency of the Board of Works, nor withdraw from being a candidate to the Legislature. He meant "to fight it out to the bitter end," and he would not gratify those who were "warring against him for political purposes" by resigning. The most reckless of the Ring organs, the "Star," announced that "the Tweed flag was nailed to the mast," and in doing so it well described its patron's defiant course. Woodward and Garvey were out of the country, and Ingersoll and the other depositaries of dangerous secrets could be relied upon not to betray them. So Tweed once more felt tolerably secure. He explained nothing and denied nothing; but he sturdily stood his ground and demanded, in a tone of insolent defiance, "What are you going to do about it?"

Mayor Hall, in an interview between Mr. Tilden, the editor of the "World," and himself, at about this date, very frankly developed the plans of the Ring, which were sufficiently simple. They expected to re-elect certain candidates to the Legislature from the city, and by the aid of these and eight Republican senators from the interior of the State, whom Tweed had a right to depend on for past favors shown them, they hoped to maintain their position. Sweeny's brother-in-law, Bradley, was nominated in the seventh senatorial district against O'Brien; "Mike" Norton, "Tom" Fields, "Prince Harry" Genet, and "Alec" Frear, were also candidates for the Legislature; while the professed reformer Ledwith accepted a nomination to the Supreme Court bench. The entire resources of the Ring were employed to insure the return of these men; and, flushed with their late victory at Rochester, Tweed and his allies felt confident of success. It was the last rally of the "Old Guard" at the Tammany Waterloo, and on the result the lesser magnates of the Ring staked all their resources. The reformers, on their part, were not idle. Unusual care was taken to choose candidates who would harmonize political differences, and, for perhaps the first time in New York City annals, the friends of honesty and decency were united on one ticket in a local canvass. The German element was conciliated by the nomination of General Sigel as Register; O'Brien and O'Donovan Rossa attracted the Irish vote; the judicial candidates were respectable and popular; while the entire reform ticket was indorsed by the Committee of Seventy and by many other leading citizens. Charles O'Conor declined a legislative nomination, but Mr. Tilden accepted one and labored hard in the canvass. Thus the friends and foes of the Ring stood over against each other ready for the contest.

No election was ever fraught with more vital consequences to those concerned, or was more eagerly and anxiously expected. The Chicago fire and the visit of the Grand Duke Alexis, two events which at any other time would in New York have been of paramount interest, now attracted but comparatively little attention. On the Sunday before the election eleven eminent clergymen preached upon the topic with which all minds were full, and exhorted their hearers to vote as good

citizens should. Numerous Young Men's Reform Associations had been organized, and in them the possibility of a resort to force outside of the law, in case a fair ballot could not be obtained, was freely and seriously considered. The students of the New York University, to whom Hall had but lately lectured with applause, tore down the Mayor's portrait from their walls, and other equally significant indications of a thoroughly aroused public feeling were not lacking. The registration was unusually large, despite the lessened number of fraudulent entries, and by common consent most of the stores were closed, business was generally suspended, and voting was made the prime object of the day. Even A. T. Stewart, who like other rich men bore no ill-will to the Ring, gave all his clerks leave of absence. The streets were silent and deserted and had a Sunday aspect, excepting immediately about the polls.

Strong fears were entertained that a disturbance would occur, and, with the warning of the Orange riot on the 12th of July fresh in their minds, the authorities made ample preparations for such an emergency. Governor Hoffman came to the city, and remained all day at the Clarendon Hotel. The entire police force was on duty, and the headquarters, on Mulberry Street, resembled a fortified post. Huge express-wagons, drawn by six horses, stood ready to convey a reserve force to any scene of disorder; while four regiments of militia were under arms, the well-known Seventh turning out six hundred and ninety-seven strong.

But the policy of the Ring was not warlike, and no disturbance occurred. They wisely preferred to depend on the old and well-understood machinery for manipulating votes, and this was brought into very perfect play. The notorious Cornelius Corson was chief of the election bureau; while Superintendent Kelso, another pliant tool of the Ring, after consulting openly with Sweeny and Bradley, directed that the police should have charge of the returns, thus affording a convenient opportunity for fraud. But the reform leaders were aided by O'Brien and others, adepts in election frauds, and hence they were able to frustrate many nicely matured plans. When repeaters were detected, they were arrested and taken to the armories for safe custody; and thus there was

no chance to obtain their discharge by the courts, as had been the practice in former elections. These and other like measures greatly reduced the number of frauds, excepting in certain districts, where the Ring had full sway, and, in these, things were indeed ordered with a high hand. In Tweed's own district the votes for O'Donovan Rossa, his opponent, were systematically thrown out or not counted, and one of his supporters was brutally beaten. Here also the practice of repeating was resorted to, without a pretence of disguise, and voters were registered by the score from theatres, bar-rooms, stables, lager-beer saloons, shops, and places where few, if any, real residents were to be found. The most conclusive proofs were afterwards collected of this fact, for use to prevent Tweed from taking his seat in the Senate.

When, at last, night fell and the polls were closed, the final count set all doubts at rest. Democrats and Republicans, without distinction, had voted solidly for the reform candidates, making a change of twenty-three thousand votes in the city, and nearly fifty-two thousand in the State. The result, on the Supreme Court ticket, indicated that no less than ninety-five thousand four hundred and eighty-eight votes had been transferred from the Ring to its adversaries, — one of the most remarkable political revolutions in the history of the country. Tweed and some of his henchmen, it is true, were returned, but the Ring was absolutely routed and its political power forever destroyed. Just previous to the election, Nast had well expressed the prevalent feeling in a masterly cartoon in "Harper's Weekly," representing the members of the Ring as a group of vultures, perched on a lofty crag around which the lightning played, "waiting for the storm to blow over." In the issue succeeding the election, Tammany Hall was shown in ruins, with different members of the Ring buried amid the débris, while Hall hung in ludicrous fear from a tottering fragment of wall, and Sweeny, carpet-bag in hand, sought safety in flight. The sketch bore the expressive caption, "Something the Storm has Blown Over." The good effects of the election were immediately apparent. Public confidence was restored, and real estate and other property were quoted at a considerable advance; for not only was a stop put to direct plundering, but

the change in the personnel of the Legislature gave promise of many reforms, including the speedy impeachment of the corrupt judges, without which the victory would have been indeed barren of results.

Many obstacles intervened, however, before these wished-for results could be attained. By the threat of prosecution, Frear and Fields, whose election had been manifestly fraudulent, were prevented from taking their seats in the Legislature, and they both presently fled the country. Sweeny, however, surpassed all his associates in pusillanimity. Immediately after the election, he announced, in a card, his acceptance of the defeat of the Ring as final, and his entire withdrawal from public life. Having done this, under pretence of ill-health, he took refuge in Canada.

Even before this, the public-spirited Mr. Nathaniel Sands had retired from that stage on which he had long played a prominent and, to himself, very profitable part. On the evening of October 23d Mr. Peter Cooper learned that, by a secret agreement with Connolly, Sands received a liberal commission for negotiating city loans, and that seventy-five thousand dollars had already been paid to him on that account. On an explanation being demanded, the ex-secretary of the Citizens' Association admitted the fact, and immediately produced and read an elaborate written defence, intended for publication in the papers. The eyes of Mr. Cooper and his respectable associates were at last opened to the wretched hypocrite's perfidy, and his resignation of membership in the Citizens' Association was demanded and given in the briefest form. Thenceforth he passed from the stage of active public life into well-merited obscurity. But upon the very day after the election, his late associates in the Board of Education, with almost ludicrous haste and without solicitation, rescinded the resolution proposed by him, and passed one year previously, striking off the publications of the Harpers from the list of school supplies.

The election being over, it now remained to energetically press to a conclusion the legal proceedings already initiated against the several members of the Ring. They, of course, expected no mercy; they well knew that it was *væ victis* to whosoever went to the wall in that contest. The first direct

step looking to their prosecution had been taken about the middle of October, when a deputation from the Committee of Seventy called upon Governor Hoffman and asked his official aid in the work. Hoffman, who had thus far maintained a policy of masterly inactivity in relation to the misdeeds of his quondam associates, could not refuse this request. He suggested "accidentally," as Mr. O'Conor said, the establishment of a New York branch of the Attorney-General's office, to be in charge of Messrs. O'Conor, Evarts, Peckham, and Emott, as a Bureau of Municipal Corruption. This suggestion was adopted, and Mr. O'Conor and his associates were delegated, with full authority from the Attorney-General, to prosecute the perpetrators of the frauds, and every facility for pushing matters to a successful issue was afforded the new bureau. Thus the vital question raised by Hall, in his talk with Garvey, — "Who is to sue?" — seemed satisfactorily settled. Unfortunately, however, owing to technical omissions and errors at the very start, the legal representatives of the people had afterwards to endure much mortification and delay.

In consequence, as Mr. O'Conor expressed it, of "the strictly local character of criminal proceedings, and the servility of the local judiciary," civil actions were begun in the name of the State against Tweed, Woodward, Ingersoll, and Garvey. This statement, however, did not really express the full difficulty of Mr. O'Conor's position. The city law officers were wholly unreliable. To begin actions in the name of the city, therefore, would have involved the introduction of enemies into the camp. This would certainly have resulted in complete failure; and it was, therefore, as a mere choice of evils that Mr. O'Conor finally concluded to take the risk of proceeding in the name of the people, which at least left him the benefit of a doubt. Mr. Tilden's investigation into the Ring accounts in the Broadway Bank, and the affidavits of Keyser, that the ten warrants in his name found in the Comptroller's office, and which had escaped the voucher thieves, were fraudulent, supplied a basis of evidence for the indictments. An order of arrest was served upon Tweed on October 25th, and on Ingersoll about the same time, but neither Woodward nor Garvey could be found. Bail was fixed at a million dollars in each case, and both defend-

ants at once busied themselves in the effort to obtain the necessary sureties. Great difficulty was found in getting bondsmen for so large a sum. Jay Gould, Benjamin Wood, Hugh Hastings, and Terence Farley were reported at the time to have offered themselves sureties, and the latter even justified as a bondsman. When, however, he learned that he would be liable for the whole bail, in case of the failure of the other bondsmen, he refused to serve, and the amusing spectacle was presented of a surety running about in hot search of his principal, in order to be released from his obligations, while the latter sought in every way to elude him until a substitute could be obtained. The time allowed for justifying bail expired, but was extended on Tweed's behalf, who finally transferred a large amount of real estate to one of his sons, thus enabling him to qualify, and then, by the aid of two or three of his friends, the balance of the bail was obtained. These transfers were made November 21st. On the 29th of the same month, only eight days too late, an order was obtained from Judge Brady restricting Tweed from conveying away his property.

At the instigation of Hall, whose activity and ingenuity were incessant, though they always came into play a day too late, a feeble attempt was now made to neutralize the action of the Bureau of Municipal Corruption. Corporation Counsel O'Gorman seemed suddenly to become conscious of the fact that some unusual events had transpired, and instituted counter suits against Hall himself, as well as against Tweed and Connolly, though prior to this time he had been singularly deaf to earnest appeals from many quarters that, as official law representative of the city, he should initiate some proceedings against the corrupt heads of departments. Now, however, a great show of activity was made, but, in the words of Mr. O'Conor, it was of a "sleepy sort." These proceedings were, in point of fact, merely collusive, and as such begun by summons alone, without complaint, warrant of arrest, attachment, or injunction, and with neither the assent nor knowledge of the Attorney-General or his associates. Their main object, in short, was well described by Mr. O'Conor as an effort "to entangle justice in the net of form." This phrase, indeed, perfectly describes the whole action of the city law department

in relation to the Ring suits up to a comparatively late date. Instead of aiding, they only hampered the Attorney-General and his associates.

And now, at last, the Ex-Comptroller's turn had come. Despite the important service he had rendered the reformers by making Green his deputy, no pledges had ever been given him that he would not be held responsible for his misdeeds. His quasi resignation had been forced upon him as a choice of evils, and afforded small ground on which he could rest a claim to the undisturbed enjoyment of his plunder. He had been indicted with the rest, and now Mr. O'Conor showed no disposition to leniency towards him. The miserable man knew not what to do nor where to turn. With a miser's grip he clung to his fraudulent gains, and refused either to make full restitution or to turn state's evidence. His bail was large, — a million dollars, — and bondsmen were hard to find. At last, in despair of raising the needed amount, and after offering to compromise for a large sum, he attempted to escape to Europe. An intimation of this reached Mr. O'Conor's ears, who, upon his own responsibility, on the 22d of November, ordered his arrest. Unlike Tweed, Connolly had no friends. Least of all did his old associates waste any affection upon him, as became very apparent when he found himself at the tender mercy of their creature, Sheriff Brennan. This official, it is said, even waited three days in order to arrest him on a Saturday, when it would be difficult, if not impossible, for him to get any bail. This proved to be the case; and, though his friends offered to become his bondsmen, a sufficient amount was not obtained in time, and the Ex-Comptroller was accordingly lodged in Ludlow Street jail. While the general public were a good deal astonished at this turn of fortune, the familiars of the Ring made no attempt to suppress their delight, especially when it was rumored that the St. Patrick Alliance, composed largely of those under obligation to Connolly, would attempt to rescue him. Their friendly zeal, however, proved unequal to the attempt. A few of his friends visited the fallen Comptroller in his low estate, where, though he received but the ordinary treatment of a prisoner, he was allowed to supply himself with such comforts as he needed, at his own expense. Both Thanks-

giving day and Christmas passed, and still the Ex-Comptroller remained a prisoner. Finally his bail was reduced to half a million dollars; and then, at last, by submitting eight sureties, all relatives but one, the necessary amount was raised, and he regained his liberty on the 3d of January, 1872.

Throughout these, as many previous trials, Tweed unquestionably evinced a far greater degree of nerve than any of his associates. And yet it must at times have seemed to him as though the foundation of all things was crumbling under his feet. It was in the midst of the occurrences now being described that his personal friend and associate in the Erie Railway direction, James Fisk, Jr., was murdered. Fisk was a man after Tweed's own heart. A coarse, jovial, noisy thief and blackguard, — a thorough debauchee, without the conception of a moral idea, — he was the characteristic product of one of the most singular periods in history. No other civilization in the world would have tolerated in prominent positions two such vulgar monstrosities, nor would New York have tolerated them at any time in its history other than that in which they flourished. And now they fell together, and there was something really suggestive in the spectacle of the broken Tweed following the coffin of the murdered Fisk from the tavern in which he was slain to the hearse, under the gray sky of the chill winter day. On that occasion he officiated as chief mourner and master of ceremonies, and his grief was sufficiently marked to cause the reporters to say that, "whatever his other failings, Tweed has a great, good heart." Fisk's death at just that time undoubtedly did occasion him as much distress as his nature was capable of, for he felt the clouds gathering, and the murdered man was one of the very few on whose active sympathy and buoyant disposition he could depend. Naturally, therefore, as he stood over his coffin, he felt an increased degree of isolation; while those who saw him there might well have pondered over the strange course of events which had suddenly overwhelmed in irremediable ruin two men who had so recently been in the mouths of all as brilliant instances of successful crime.

Tweed himself, however, had little leisure to devote to sentimental reflections. From all sides the pressure grew severe.

And yet the man seemed awed neither by the series of disasters which had assailed him, nor by those in prospect. He obstinately stood his ground, refusing to yield an inch. Rumors of his resignation were constant, but he would not be persuaded out of office, except upon the condition of naming his own successor. Meantime, however, he was busily occupied in arranging his pecuniary affairs, in order to meet the pressing demands which poured in upon him from every side, taxing even his resources to the utmost. The contractor Keyser, for instance, had, by the advice of his friends, appointed Jackson S. Schultz the assignee of his estate, with power to equitably settle all open accounts between himself and the city. In examining Keyser's books, Mr. Schultz found unpaid charges of $50,000 for work upon Tweed's house, besides thirteen notes of hand, each for $1,000, executed by one of Tweed's sons, who inherited his father's faculty for levying upon his acquaintances for money. When Mr. Schultz presented a statement of the account to Tweed, the latter for once was disconcerted. The weight of accumulating trouble had begun to tell upon him. "The fact is," he said to Mr. Schultz, moving uneasily in his seat, "my head is not so level as it used to be, and I must consult my lawyer before I can decide what to do about this matter." Mr. Schultz withdrew with a feeling akin to pity for the fallen "statesman," and soon after received and accepted an offer to settle the claim by a payment of $37,000.

This is only one instance in hundreds of the manner in which demands were made upon him, to meet which he sold his costly Fifth Avenue house at a sacrifice, together with bonds, stocks, and other securities at whatever they would bring. A note for $30,000 was allowed to go to protest, showing the dire extremity to which he was reduced. As a means of further retrenchment, he also cut off the supplies of the numerous political clubs which had repaid his bounty by boisterous support, and which now fell into speedy and helpless bankruptcy. Even the notorious Americus Club did not escape the sheriff, and the diamond badges of its members were to be seen in the windows of many a Broadway jeweller. A like untimely fate also befell the New York Printing Company.

Early in September Tweed, Sweeny, Hall, and Connolly publicly disavowed all connection with that concern, and Charles E. Wilbour claimed to be its responsible head. To prevent the damaging evidence which would result from a legal investigation, and to defraud the estate of a large deceased stockholder, a judgment was permitted to be taken against it, under which it was sold out by the sheriff in December. Wilbour then joined the fast-increasing band of exiles.

Those in charge of the legal proceedings against the members of the Ring were, meanwhile, pressing them forward as rapidly as was consistent with the law's proverbial delay. Sweeny's case gave them the most trouble, for he had so skilfully hidden his tracks that great difficulty was found in getting sufficient proof upon which to find a bill against him. Indeed, it took Mr. Tilden not less than six months to explore, with an expert's aid, the devious paths through which his share of the plunder reached its destination. Both Sweeny and his relatives, James M. Sweeny and Hugh Smith, had, indeed, all been included in one of the indictments found by the "Bedford" grand jury, so called. This, however, was subsequently quashed by Recorder Hackett, in the fall of 1872, as an unwarranted assumption as to a decision of the Supreme Court, the request of Mr. Peckham, that he should first examine the matter, being contemptuously ignored. Recorder Hackett then, on the 31st of December, permitted District Attorney Garvin, whose term expired the next day, to enter a *nol. pros.*, which was dated back five days, thus cutting off an appeal which Mr. Peckham threatened to take.

Doubtless the members of the Ring hoped to yet tire out their pursuers; but fortunately there were a few patient, determined men, whom they could not weary nor silence nor throw off, steadily hunting them down. Foremost among these was Charles O'Conor, whose great name and unrelenting energy made him as formidable after the election as Mr. Tilden had been before. The difficulties these men had to overcome were, however, unseen by the general public, which was gradually settling down into the exasperating conviction that, after all, the heaviest peculators would escape scot-free, when suddenly, on the 16th of December, the city was

startled by the announcement of Tweed's arrest. The secret had been so well kept, and the thing was so quietly done, that even the next morning neither the "Times" nor the "World" made any mention of it. The arrest was made late in the evening by Sheriff Brennan, at the Bureau of Public Works, and the feelings of the prisoner were not unnecessarily wounded. The sheriff, in fact, seemed to regard the whole proceeding somewhat in the light of a prodigious joke, for, approaching his old comrade, he touched him on the shoulder, and exclaimed with a laugh, "You 're the man I 'm after, I guess!" whereat the prisoner expressed his relief that the thing had at last taken place. Presently officer and prisoner retired together to the Metropolitan Hotel, where Tweed was considerately allowed to pass the night. In the morning, accompanied by his counsel, he applied for bail; and, when the party entered the Court of Special Sessions, a throng of spectators received the prisoner with mingled cheers and hisses. Tweed looked nervous and careworn, but preserved his composure. Charles O'Conor and General Barlow appeared for the people, and, after hearing arguments on each side, Judge Bedford refused bail, and committed the prisoner to the Tombs.

Neither Tweed nor his counsel were probably either greatly dismayed or perplexed by this result, as Judge Bedford was, upon the whole, one of the most insignificant of the numerous occupants of the New York City bench. The appearance of Charles O'Conor in his court was an event the magistrate was ill prepared to meet with equanimity, and he would probably have done whatever that gentleman told him to do. Instead of going to the Tombs, therefore, in compliance with Judge Bedford's decision, Tweed and his counsel at once sought the presence of Judge Barnard, who happened to be conveniently holding court near by, and requested him to review the action of the court below. The crowd surged into the chamber of the Supreme Court, eager to witness the dramatic scene. By a curious coincidence, during the proceedings which ensued, Tweed sat immediately in front of a life-size portrait of himself, which faced the judge's bench as if in menace or derision. His creature Barnard sat in judgment upon him in the very building which was a monument of the crimes for which he

was now arraigned, and for the first time he was forced to listen to outraged public opinion, in the voice of Mr. O'Conor, who, in earnest yet temperate language, urged that the court should not give "an empty measure of its considerate justice" to a long-suffering people by granting Tweed's request. The criminal seemed impressed by the speech of the advocate, but the judge sat impassive, notwithstanding Mr. O'Conor's sufficiently significant hint that it might be the last opportunity he would have to redeem his sullied reputation. Mr. O'Conor concluded his argument with the singularly apt, but, withal, under the circumstances, somewhat suggestive quotation, —

> "Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, a pygmy's straw does pierce it."

Connolly was not now before Judge Barnard, and had he been it is safe to say that Judge Bedford's decision would have stood unshaken. In place of Connolly, the magistrate in whose breast the fire of reform had a few short weeks before burned so brightly now saw his friend and benefactor and boon companion, Tweed. Instantly the fire ceased to smoulder. When Mr. O'Conor closed a breathless silence spread over the court-room, and probably Tweed himself was painfully conscious of the heavy beatings of his heart, for "George," as he would have called the magistrate, was so notorious for his "jokes" and vagaries that it was never possible to predict with certainty what his course would be. In the present case, however, he did not leave the audience long in doubt. In his most defiant manner, he in few words reversed Bedford's decision, and ordered bail to be fixed at the trivial sum of $ 5,000. This was, of course, instantly given, and the prisoner, under an indictment for stealing millions, left the court amid a crowd of congratulating friends.

Shortly after the discharge of Tweed, the sessions of the Legislature began at Albany, and the scene of active proceedings was transferred from New York to that city. The Rochester failure was partially repeated when the Legislature met; for, though the composition of that body had been largely changed by the election, yet it was still impregnated with the old corrupt leaven. Accordingly, Mr. Tilden and his allies

soon found that not much was to be accomplished beyond checking further direct corruption and laying the foundations of future action. Tweed did not venture to take his seat in the Senate, but neither did that body dare to declare his seat vacant. Hence it remained unoccupied throughout the session. His absence from this body also made itself curiously felt; for, under the Constitution, one half of the members held over from the previous year, and a large portion of them had been accustomed to implicitly follow Tweed's lead, and several had unquestionably been large recipients from his corruption fund. Under these circumstances the Senate did, indeed, roll and flounder about all through the session, like a ship the helmsman of which has been washed overboard. It was rumored that Tweed had preserved a careful record of his transactions with his colleagues, and mysterious intimations were current that, if he was interfered with at Albany, "somebody would get hurt." The threat was unquestionably not without its influence. Hitherto, however, no portion of Tweed's legislative memoranda have seen the light, and he has even denied their existence altogether. Considering the character of the man, they would not, under any circumstances, be entitled to much weight, and those involved were, almost without exception, men of local reputation only, who have long since lapsed into obscurity.

If it had accomplished nothing else, this Legislature would yet be entitled to a grateful recollection from the fact that it impeached the Ring judges, taking steps towards cleansing that Augean stable, the New York City bench. The urging forward this the most practical and vital of all the measures of reform had both naturally and by common consent devolved on the Bar Association. The task was not devoid of danger to those who undertook it, and involved a prodigious amount of laborious investigation. It was, however, cheerfully assumed by a public-spirited committee, and so vigorously prosecuted that in January all was ready, and on February 2d a memorial was presented to the Legislature praying for an investigation into the practices of certain members of the city bench. Mr. Tilden was naturally asked to present it, but declined in favor of Mr. Alvord, in order to conciliate a certain

section of the Legislature. A resolution was at once adopted empowering the Judiciary Committee of the Assembly to proceed to New York and take testimony in the matter to which the memorial related. This body began its sittings on the 19th of February at the Fifth Avenue Hotel, with closed doors, and continued them until April 17th. Barnard, Cardozo, McCunn, and other judges were represented in person or by counsel, and over two hundred witnesses were examined, whose testimony occupied twenty-four hundred solid pages of print. Universal latitude was allowed in the submission of evidence, and the counsel for the several persons incriminated were permitted to cross-examine the witnesses, but no arguments were heard. On the 30th of April the committee submitted a report signed by Messrs. Prince, Strahan, and Tilden, in which the impeachment of both Barnard and Cardozo was recommended.

During the sessions of the committee Barnard conducted himself in a manner thoroughly characteristic; he manifested no signs of alarm, but evinced rather a reckless disregard. Whenever an opportunity offered, he made sneering and defiant remarks in open court upon the efforts of "his enemies" to remove him from the bench. He seemed indeed determined not to solicit immunity from punishment, but rather in proportion as the danger of his position increased he indulged in greater license. For instance, just after the committee began its sessions, he one day remarked with characteristic coarseness, while holding special term in chambers, "I am going to scratch myself. Take notice. I suppose that will make the 101st article of impeachment." On another occasion, when allowing a sum of ten dollars as costs in a trifling case, he observed, "O, I don't get any of it, though I believe they have put it down against me in the 185th article of impeachment." He also alluded jocosely to a report that he had the sum of one hundred thousand dollars in the bank with which to buy up the committee; and when a case was set down for a hearing on the next day, he said, "I shall be actually engaged myself on trial to-morrow." He twice peremptorily refused to grant perfectly proper applications made to him, in one instance saying, "I am not going to hear any more about this case"; and when, on another occasion, an applica-

tion was made for the postponement of a trial owing to the sickness of counsel, he refused it in these playful words: "Can't let you off this time! I guess you have got to come up to the bull-ring now, old fellow." Another motion was sententiously denied in these words: "You are gone, counsellor." On May 2d the Assembly moved the impeachment of this judicial ruffian, and Messrs. Vedder, Prince, and Tilden were appointed a committee to present charges at the bar of the Senate.

Their hold upon the bench was the great safeguard of the broken Ring, and the actual impeachment of Barnard excited in the minds of all those who lived on city plunder the liveliest possible sense of alarm. The man was popular, too. In his vulgar, ruffianly way, he had always been a jovial, boon companion, and in his capacity as judge he had placed many under obligation to him. A determined effort was therefore made to avert the consequences sure to ensue upon his removal, and a large sum of money was raised with which to operate on the Legislature in its selection of a board of managers of the impeachment. Sweeny, Tweed, Connolly, Hutchings, Loew, and many others contributed liberally, while Garvey was forced to subscribe through the medium of his brother. So effectively was the sum thus raised used that when, on the 10th of May, the managers were chosen by secret ballot, the result created general distrust and even despair as to the result. Fortunately, Mr. Tilden was a member of the Legislature, and his remarkable practical ability in the management of men was again decisive at this most vital point of the whole struggle. Through his agency it was arranged that the managers should select such counsel as would be satisfactory to the Bar Association, and in this way the case was finally placed in the hands of Messrs. Van Cott, Pratt, Parsons, and Stickney. The trial began at Saratoga on the 17th of July and lasted exactly one month. The charges, thirty-eight in number, specified Barnard's more notorious outrages and antics upon the bench, especially in the Erie cases; and his practice in the issuing of injunctions and the granting of *habeas corpus* discharges. His favoritism in appointing receivers or referees was set forth, as well as his improper and scandalous intimacy with noto-

rious persons. Other charges covered the receipt of presents intended as bribes, the "deporting himself in a manner unseemly and indecorous," and using "coarse, obscene, and indecent language" in court. The form of procedure in trials for impeachment was novel to most of the managers, and Barnard's counsel contested every point vigorously. Still nothing occurred to check the trial, which was prosecuted rapidly, yet with becoming fairness.

When the proceedings began Barnard was confined to his bed with the gout, but a postponement was refused on that ground, and he soon after appeared, looking enfeebled yet defiant. Somewhat later he made a personal statement, denying with considerable feeling the newspaper reports that he meant to resign his office, and asserting that he would abide the issue of the trial, whatever it might be. Throughout the proceedings his manner was restive and unruly. He chafed and fretted like a caged animal, and seemed unable to accommodate himself to the unusual position of criminal rather than judge. To Mr. Beach, his leading counsel, he was courteous, though the latter had to check him several times for hasty remarks. Under cross-examination by Mr. Parsons, however, he became curt, spiteful, and ugly. He sat, in presence of his judges, with one leg over the arm of his chair, tapping his boot with a light cane as he answered the questions of counsel, and seemingly quite unconscious of the gravity of the occasion. After his wont, he indulged freely in slang, speaking of "Jimmy" Coleman, and "Injunction" Foley, while he replied to one query with a vehement denunciation of the Assembly Judiciary Committee as "a packed body" of his enemies who had scoured America, Europe, and Asia to gather evidence that he was a bad man.

The indifferent and even nonchalant manner in which Barnard spoke of the acts on which the charges for his impeachment were based impressed his audience profoundly. Indeed, it is said that his own manner and tone in testimony influenced his judges far more than the statements of all the other witnesses united. That a man filling his high office should wilfully abuse his powers; that he should be intimate with gamblers, prostitutes, and swindlers, and use their language on the bench; that he should be in league with public robbers,

and convert his court-room into a peculators' haven of rest, — all this was in itself sufficiently damaging when proved by others; but when the criminal at the bar, without apology or extenuation, himself described the manner in which he exercised his judicial powers, and distributed the court patronage purely for his personal gratification and to please his pot-companions, the result was simply confounding. Yet this Barnard did. He was devoid of all sense of decency or wrong or shame. In reply to a question during his examination he coolly said, for instance, "The judge who holds the chambers *owns the patronage, it belongs to him*, and he selects whom he pleases regardless of any suggestion of counsel or dictation from them. . . . . I have succeeded in life *by aiding my friends and not my enemies.*" The audacity of such a reply, and the impression it gave of Barnard's utter lack of a sense of the dignity and responsibility of his office, filled every one present with amazement and disgust, and it was small occasion for surprise that, when he made this statement, a sudden and significant silence fell upon the whole assembly, leaving no doubt of its effect upon the managers. Afterwards Barnard disclaimed having been influenced in any judicial act by either friendship or desire for gain, thus leaving himself no sufficient motive for his crimes but pure malevolence. Long before the final summing up the decision had been made. Sufficient evidence had not been presented to establish the charge of bribery and corruption, but on the general charge of "dishonoring and discrediting his high office" there could be no question. The final vote took place on the afternoon of Friday, August 17, 1872. Upon twenty-five of the thirty-seven charges two thirds of the managers voted "guilty." Upon the question of removal there were thirty-five votes cast in the affirmative, while the vote was thirty-two to two that Barnard be disqualified from holding any office of honor, trust, or profit in New York. The court then adjourned, having completed a task which, in the words of one of its members, was intended "to solemnize every judge in the State."

There was one judge, however, whom there was no need to "solemnize." Barnard's infamous colleague, Cardozo, had already slunk from the bench, taking refuge from impeachment

in voluntary resignation. In face of the evidence elicited before the Judiciary Committee, he evinced none of Barnard's defiant spirit of bravado, but, wisely recognizing the completeness of the ruin, accepted the situation in advance. The most flagrant facts brought to light in his case related to his transactions with his nephew, Gratz Nathan, who had enjoyed a monopoly of the court patronage controlled by his uncle. It appeared that during the four years ending with 1871 he had been granted over eight hundred receiverships and references. The usual fees in such cases did not exceed $250, but Nathan in several instances had received sums of several thousand dollars; and in one reference case where he attended only a single sitting, he was paid $1,000; on another occasion he received $10,000 for little more than ten days' labor. He himself estimated his entire earnings from these sources at "not over $60,000," or $15,000 a year, which for a young gentleman of his position at the bar was certainly a most comfortable support. But a far more damaging thing to Cardozo than the granting of this patronage to Nathan was the use made of the proceeds from it; for a comparison of bank accounts revealed a suspicious relationship between the entries to the credit of the nephew and those to the credit of the uncle. Whenever Nathan deposited the fees from a reference or receivership, he almost invariably drew a check to bearer for the amount, and had it cashed; and directly afterward a deposit in bills for a like sum would be made by Cardozo. As in the case of Garvey and Ingersoll, and Tweed, Sweeny, and Connolly, these transactions were far too frequent to leave any doubt as to their connection. At first Nathan stated that he had lost one of his check-books, and professed inability to remember the details of his transactions. After a long examination, Mr. Parsons at last revealed through his questions the fact that he had been examining and comparing the bank accounts of the two, and had every detail of them at his tongue's end, and then Cardozo, who was intently listening, grew deadly pale. He realized that he was lost. Hopelessly entangled, Nathan could not but acknowledge the correctness of the figures, and the inference to be drawn from them, but he claimed that the payments thus made to Cardozo were loans made by

him to his uncle at the request of the latter; and he added, by way of explanation, that he had carefully avoided entering the judge's name in his check-book, or making any record of their joint transactions, in order to prevent suspicion. He, however, could not specifically name the date or object of any of these "loans," and Cardozo's bank account, moreover, exhibited a respectable balance at the time of every receipt of money from Nathan, showing that he was not then in any pressing need of funds; while not only were there no subsequent payments such as the loans might be intended to cover, but no corresponding sums were entered as having been repaid to Nathan. The explanation was in short absurd. Though present with his counsel, Judge Fullerton, during the larger part of the investigation, Cardozo took no personal share in it.

The career and corrupt practices of Judge Cardozo have, however, certainly occupied their full share of space in the pages of this Review. Suffice it now to say that every charge which had ever been made against him was practically substantiated, and an abundance of new ones brought to light. Where full legal proof failed, neither imputation nor strong circumstance was wanting. The committee accordingly recommended his impeachment as well as Barnard's, whereupon he wrote a letter resigning his seat on the bench, which was so carefully timed that only two hours intervened between the presentation of the committee's report to the Assembly and the reception of his resignation by the Secretary of State. In a subsequent letter, intended for publication, he assigned as a reason for his course that he had neither "the time, means, nor health" to continue, "vainly resisting a foreordained partisan decision. . . . . Owing to the combination of his enemies, and a portion of the press, official station had no longer any attraction." His resignation was accepted, and the proceedings against him dropped.

The purification of the New York City bench was the one great outcome of the uprising of the summer of 1871. The destruction of the Ring itself was a matter of trivial consequence in comparison with the expulsion of Barnard and Cardozo; for by them, in a great commercial community, the very sources of justice were poisoned. When, therefore, Bar-

nard was at last ejected and sent to join the colleague who had voluntarily gone before, the community realized that a substantial result had been secured. Whatever other failures and disappointments might be in store, the bench at least was for the time secure. The proceedings which had already been begun against the more notorious members of the Ring were not, however, on this account relinquished, and it now only remains to recount their results.

The beginning of the year 1872 found Hall, Tweed, Sweeny, and Connolly all under indictment; the two last already contemplating flight, and only the first making even a pretence that a trial was looked upon as an opportunity to secure a vindication. His case accordingly came on in March, 1872, before Judge Daly in the Court of Special Sessions. Everywhere but on the stage Hall was a natural actor, and now he showed a suspicious eagerness to meet his accusers. He "hailed the sight of a jury in the box as his deliverance," and was so very anxious to hurry matters that he said he should accept the first twelve men who were called. Nevertheless he finally challenged two jurors, on the strangely characteristic ground that they were "older than himself"! His well-dissembled ardor had, however, at least the effect of deceiving the opposing counsel, who accepted the jury without sufficient inquiry into the antecedents of its members. The Mayor was defended by his partner, A. J. Vanderpool, and Ira Shafer, while the District Attorney was aided in the prosecution by Wheeler H. Peckham, an active coadjutor of Mr. O'Conor in his proceedings against the Ring, and by Henry L. Clinton, a prominent reform politician and criminal lawyer. The indictment made a bulky printed volume, and comprised eighty counts, all based upon the Mayor's loose performance of his duties as a member of the Board of Audit. Hall, with a few exceptions, acknowledged his signature to the warrants passed by the board, but set up the general plea that he had approved them only in his "ministerial capacity," Tweed and Connolly being responsible for their incorrectness.

The preliminary proceedings were very tedious and the trial dragged wearily along, until at last a genuine sensation was created by the unexpected summons of Garvey as a witness.

The great contractor had just returned from Europe, and it was his first public appearance. He now gave important evidence, tending to show that Hall was all along fully aware that the frauds were being committed, and he described several interviews he had held with both Tweed and Hall, including one with the latter, in which Hall, while signing certain warrants, asked "if they were Mr. Tweed's matters," and further advised Garvey to do what Tweed and the others told him to do. When these damaging statements were made, the Mayor started from his seat and glared fiercely at the witness, for the first time during the trial evincing real concern. The plasterer's evidence was not, however, destined as yet to influence a verdict, for on the 8th of March, owing to the death of a juryman, the case was suspended.

Hall's second trial did not come on until the 22d of December, 1872, shortly after the expiration of his term of office. It was impossible for the man to hold his peace for any length of time, and equally impossible for him to break the silence without uttering something queer and ill-judged. In the present case, he claimed the privilege of conducting his own defence, on the ground that, owing to the absence of his counsel, he had had no opportunity to consult with them until the previous Saturday night, and then, he added, with a solemnity which must have caused a smile to lurk on every face in the court-room, "I could not consult with them on Sunday. I could not fly in the face of that Providence that has so kindly taken care of me unto this moment, and on whom I rely to vindicate my innocence." The testimony at this trial was substantially the same as at the previous one, lacking only the element of novelty. The defence insisted that there was no proof of Hall's collusion with the Ring, or that he had any knowledge of the fraudulent character of the warrants. His offence, at most, was a technical one, and he was shielded from suspicion by "the panoply of a stainless character." The weak side of the Ex-Mayor's case revealed itself in the line of treatment adopted towards the members of the Ring. The utmost care was taken to do nothing calculated to irritate Tweed, Sweeny, or Connolly, while Garvey was savagely denounced as "a self-convicted felon." Neither at this trial, nor at any time in the course of

the subsequent investigations, was any pecuniary corruption brought directly home to Hall. To suppose, however, that the old and experienced criminal lawyer did not perfectly well know that his associates in the city government were perpetrating systematic and colossal frauds under cover of his signature, was an insult to his sagacity which, under any other circumstances, A. Oakey Hall would have been quick to repel. In plain language, the man was an indisputable ass, but he was not a fool; and he showed this clearly enough by the excessive care with which he refrained from denouncing the peculators whose witless cat's-paw he claimed to have been. His counsel's indignation was reserved for his brother tool who had turned state's evidence.

As Christmas day was near at hand, every effort was made to conclude the trial, and Hall especially urged haste in order to accommodate the jury, even offering to submit the case to them on the evidence, without argument, — an ingenious expedient through which he hoped to escape the severe summing up of Mr. Tremain for the prosecution. In this, however, he did not succeed. By the judge's charge, the whole case was narrowed down to the single issue of wilful neglect of duty; the charges of conspiracy and collusion being excluded for want of evidence. After some discussion as to whether they must pass necessarily on the point of wilfulness, the jury withdrew. The scene which then ensued in the court-room was after Hall's own heart. He chatted with his friends and counsel in the most nonchalant fashion. He described how he had sat up once before on Christmas eve, awaiting the verdict in a murder case, and also of his having written a story called "The Christmas Juryman," in imitation of Dickens. He interrupted an anecdote with an apology when the jury returned, at ten o'clock P. M. Upon the verdict of "not guilty" being announced, Hall bowed his head on the table before him, overcome with emotion. A scene of congratulation followed, with greetings of a "merry Christmas," as he left the court-room in triumph. The verdict was, practically, one of "not proven," and excited no particular comment. The "Herald" declared that it was gratifying to the whole city; the "Tribune" ambiguously remarked that it surprised no one "who had closely

followed the proceedings"; while the "Times" pronounced the trial a failure, and inquired if a public dinner was not to be tendered Hall in recognition of his adroitness in evading the law.

A new indictment, known as the "omnibus" indictment, had meanwhile been found, and Tweed was arrested under it at about the time of Hall's acquittal. The earlier suit against him, in which he had given a million dollars' bail, had been of a civil character, and wholly distinct from the criminal prosecution. Either from carelessness or oversight, or because the possibility of such enormous peculations had not been conceived, no provision was made in the code for a case like that of Tweed. It was found, therefore, that he could be indicted only for the insignificant offence of "neglect of official duty," the extreme penalty for which was limited to a year's imprisonment and a fine of two hundred and fifty dollars; though in the case of an indictment covering a great number of counts for several distinct offences, it was an open question whether the court might not impose a cumulative sentence.

There now seemed a strong probability that Tweed would at last be brought face to face with a jury. Delay, however, yet followed on delay. The action had been brought in the name of the State, and the right of the State to sue in the premises had, it was thought, been definitely settled. This, however, was now disputed by the defendant's counsel, who contended that the money stolen by the Board of Audit belonged to the "County of New York," and that the State alone could not maintain an action for the theft. They therefore set up the plea that the complaint against Tweed did not state "facts sufficient to constitute a cause of action" in favor of the People of the State. Mr. O'Conor, in reply, claimed that the "county" could only own money for certain fixed and limited purposes, and that the six-million embezzlement could not be included among these. He argued further, that, as the State was under obligations to return the stolen money, it had a right to recover damages for its theft. The only way the question could be adjudicated was by an appeal to the courts. This was duly taken, and then ensued a very perfect example of the legal entanglements and judicial muddles in

which lawyers delight. It reads like a satire on the whole course of justice, and as such is deserving of a somewhat detailed mention.

In December, 1871, Judge Learned of Albany, in denying a motion to reduce Tweed's bail, referred to the question whether the State could maintain the action, but refused to pass on it as being only a side issue to the motion before him. His order was affirmed by the General Term in February, 1872, and so far the people's right of action was assumed. Four months later, however, the question was argued at the New York Special Term at Albany, upon a demurrer to the complaint from Tweed and Connolly, which Justice Hogeboom, who presided, overruled. An appeal was taken to the General Term in the Third Department in July, and two months later the Special Term decision was sustained by two of the judges, while one judge dissented. Tweed's counsel, on the 27th of November, moved to change the place of trial from Albany to New York, which motion was granted by Justice Ingalls.

So far the authorities were on the side of the State, but presently a conflict of opinion developed itself. The action brought by the Board of Supervisors against Tweed, at the instigation of Hall, was heard by Judge Barrett, in Special Term, at New York, and that judge was of opinion that the right of the Supervisors of New York to sue (on behalf of the county) was not settled by the decision of the General Term, Third Department. An appeal from this decision was taken to the First Department of the General Term, where Justice Ingraham sustained the Barrett ruling. He held that the Third Department decision was not binding, especially as it was rendered by a divided court, while the two judges who concurred in their opinion disagreed in the reasons they assigned. This decision was sustained by Justice Hardin of the New York Special Term, upon a demurrer in the case of Ingersoll alone. An appeal was taken to the Supreme Court, May 5, 1873; but Justices Ingraham and Noah Davis affirmed the order appealed from.

The contest over these side issues, as will be seen from the dates, extended over some eighteen months. Messrs. Field, Stoughton, and Root made most of the arguments on the

one side, and Messrs. O'Conor, Peckham, and Tilden on the other. Mr. Tilden's argument before the Court of Appeals was perhaps the most complete summary of the case for the prosecution, but it is not necessary to recapitulate his points here. Suffice it to say the Court of Appeals denied his motion, and as a final settlement of the dispute the county suits were merged in those of the State.

Tweed's case was then at length brought to trial in January, 1873, before Judge Noah Davis, in the Court of Oyer and Terminer of New York. Notwithstanding the considerable time which had elapsed since his arrest, the public interest at once quickened when it was known that his trial had actually begun. The court-room throughout was thronged with eager spectators, and each side was represented by a formidable array of counsel, chief among whom were Lyman Tremain on the side of the prosecution, and David Dudley Field on that of the defence.

At the very outset of the trial Mr. Field indicated very clearly the desperate character of the defence by a motion in arrest of proceedings, based on the point that his client could not be punished for "official delinquency," which the indictment charged, because he held no public office at the time specified. Tweed was in the Senate when appointed one of the Board of Audit; and as the law does not allow a member of the Legislature to hold any other office, his appointment was void. The Board of Audit had, moreover, usurped the functions of the Board of Supervisors; hence it was an illegal body. Its establishment was also unlawful on other technical grounds. Lastly, as the act of the Legislature under which Tweed was indicted had not been passed by the necessary two-thirds vote, it was void. These points, however, were promptly overruled.

The examination of Garvey was the striking feature of the trial. His evidence as that of an ally of Tweed and a sharer in the frauds could hardly fail to be decisive of the prisoner's guilt, unless all faith in his credibility could be destroyed in the minds of the jury. He was therefore subjected to a scathing cross-examination at the hands of Mr. John Graham, who with savage pertinacity strove in every way to break him down. Tweed, the ex-chair-maker and foreman of "Big Six," was

contrasted with Garvey, as if he were a second Washington and the unfortunate contractor another Benedict Arnold. The epithets usual in the mouths of criminal lawyers were also freely applied, by this master of the art, to the miserable witness. Garvey bore the ordeal wonderfully well, though glad enough to escape from his tormentor. When Mr. Tilden detailed the manner and result of his investigations into the accounts of the Broadway Bank, he was cross-examined by Mr. Field, who tried to follow his colleague's browbeating and bullying tactics. But in this case there was a decided difference in the man to be dealt with, and, though the encounter was animated, the advantage did not rest with Mr. Field.

At the close of Judge Davis's charge, Mr. Graham, not content with his triumph over Garvey, excepted not only to the charge as a whole, but, for the sake of preserving "all his rights," to "each and every sentence" in it; Judge Davis, in reply, good-naturedly suggesting that there might be some questions of grammar which Mr. Graham would except to also. The jury then retired and remained out all night. They at no time approached an agreement, only two of the twelve being in favor of a conviction. The next morning (January 31) they reported in court that they could not agree, and were discharged.

Mr. Peckham, on behalf of the prosecution, at once moved for a new trial to begin immediately; but, owing to inevitable delays, the second trial was postponed until the fall of 1873, and Tweed thus gained another respite of nearly a year. It was finally begun on the 6th of November in the same court and before the same judge as before. The prosecution was again conducted by Messrs. Tremain and Peckham, but now with the assistance of Henry L. Clinton, whose long experience in criminal practice specially qualified him for practical use in the important work of securing a reliable jury. Tweed's counsel were unchanged, excepting that Judge Fullerton replaced Mr. Field, who was abroad. The defendant showed no signs of any fear as to the result of the trial, but, as the reporters asserted, looked "rosy and healthful," and yet wore his immaculate white cravat, while his famous fourteen-thousand-dollar diamond pin flashed resplendent in his shirt-front,

and he was buoyed up for the occasion by the presence in the audience of numerous faithful adherents.

Unusual care was taken in the selection of the jury. Only five peremptory challenges were allowed either side; hence great skill was required and displayed in sifting the panel of doubtful characters. Not only was it difficult to find enough men of intelligence who had not formed a bias, but, as in the case of the former trial, a number of Tweed's friends had been smuggled into the panel, in the hope of getting them drawn upon the jury. Their fate on the previous occasion had, however, sharpened the wits of the prosecuting officers, and the antecedents of every man were closely examined into. As a consequence of these precautions several suspicious individuals were rejected after they had actually been included in the jury.

The proceedings were an almost exact repetition of those of the first trial, with one important exception. This was a formal protest made by five of Tweed's counsel against Judge Davis's presiding in the case, on the ground that his charge to the jury in the first trial showed prejudice against the defendant, and that, consequently, he could not preside fairly on the present occasion. Judge Davis paid no heed to this affront until after the trial, when he severely reprimanded the two junior counsel who had signed the paper, and fined their seniors, Judge Fullerton and Mr. Bartlett, two hundred and fifty dollars each for contempt of court.

The arguments at last were finished, and at nine o'clock on the evening of November 20th, the jury, having been duly instructed as to the law of the case, retired to consider their verdict. Tweed and his friends waited in court for a time, talking cheerfully and bearing themselves as men quite confident of the result. After an hour's absence the jury returned for further instructions. This certainly looked ominous; but no decision was reached until the next morning, when, after fourteen hours' deliberation, a verdict of "guilty" was rendered on fifty-one out of fifty-five of the offences charged, each offence including four counts, making two hundred and four counts in all.

The sentence was not imposed until the succeeding Saturday. During the interim it was expected that Tweed's counsel would apply for a stay of proceedings; but they did not do

so, and on the morning of November 24th Tweed, who had in the interim been in the custody of the sheriff, stood up in court to receive the highest sentence which the law permitted for his crime, — twelve years' imprisonment and a fine of $ 3,000. The spectacle was impressive. Up to the last moment the great criminal had felt sure of escape; but neither all his ill-gotten wealth nor all the acumen of his lawyers could now avail him. The end at last was come. Yet he bore the ordeal bravely, and when, at the sharp command of the magistrate, he stood up before the eager and crowded court-room, he showed no signs of emotion save a heightened color and a scarcely perceptible nervous trembling; but he complained afterwards of the judge because he made him stand so long, and showed so strong a feeling against him in the words he uttered. When all was over he sat down with evident relief, and presently passed out of court in custody of the sheriff, by whom he was at midnight lodged in the Tombs. During the next fortnight he remained there, through the consideration of the sheriff, and it was strange to see the regard in which the great peculator was still held among his former henchmen. They evidently believed in their leader, and could not persuade themselves that his doom was finally sealed. Day by day he held a levee in his jail, and the Tombs was jocosely called "the new headquarters of the Americus Club." The escape of two years later might well have then taken place, and it in all probability would have taken place, had not Attorney-General Barlow, in sympathy with the rising public impatience, caused an intimation to reach the sheriff that he was exceeding his powers and might apprehend trouble. Then, at last, on the 27th of November, — two years after his overthrow at the polls, — the former chair-maker, foreman of "Big Six," alderman, member of Congress, Grand Sachem of Tammany, State senator, Commissioner of Public Works, and New York millionnaire donned the felon's garb. He was carried by the sheriff to Blackwell's Island, accompanied by a son and a few friends, and there received like any other criminal. In answer to the usual questions he characteristically replied that he was of "no religion" and was by occupation "a statesman." He took the prisoner's bath, his hair and beard were

shaven off, and then, after fitting him with a "larceny suit," a proceeding not without difficulty owing to his great size, a convict's cell was assigned him. As the prison gates closed on his retiring friends, he must at last have realized that the play was quite done and the curtain fallen.

Of the subsequent fate of the more prominent characters in this singular historical episode, little remains to be said. In the very heat of the struggle, before the decisive election of November, 1871, the New York "Nation" had remarked: "We do not know how this affair may end, but we do know that if Barnard, Hall, Tweed, and Connolly close their careers in peace and ease and affluence, it will be a terrible blow to political and private morality." The apprehension was not too strongly expressed, but it was not destined to be fulfilled. Almost without exception the subsequent careers of those prominent in the history of the Ring were marked by exile, misfortune, and ruin. The way of the transgressors was hard. First, of the four great central figures. Of these, Tweed passed a year in a felon's cell, from which he was released by a decision of the Court of Appeals adverse to the legality of the cumulative sentence imposed by Judge Davis. Immediately arrested on new suits, he lay for a time in a New York jail, while lawyers consumed his means in litigation; and then, suddenly escaping from the sheriff's hands, he followed Sweeny and Connolly into exile, leaving behind him an unsatisfied judgment for millions against his estate. Curiously enough, he was even then hunted finally to earth through the remorseless pencil of the caricaturist. Forced to leave his first place of refuge in Cuba, he took passage for Spain, and in August, 1876, after nine months of anxious liberty, was identified by means of a caricature on his arrival at Vigo, and at once arrested. There was no rest or peace for him except within his prison's walls. Sweeny and his brother, far more cautious than Tweed, had early taken refuge in flight. Timid by nature, and appreciating the fury of the storm, Sweeny had, in December, 1871, on pretext of ill-health, withdrawn to St. Catherine's, in Canada, and from this point of vantage attempted to negotiate a peace. Failing in this, he subsequently went to Europe, accompanied by his brother, and the two thereafter resided exiles in Paris.

They were abundantly supplied with means, for they had kept much of their plunder well in hand; but none the less they were outcasts and pariahs, and knew themselves to be such. The brother, James, drank himself to death in June, 1875, while the more astute Peter B., less fortunate, remains a solitary exile in a brilliant capital, shunning most of all the faces of his countrymen, and awaiting in shame and fear the issue of the suits which involve the ownership of his New York property. Connolly fled the country early in 1872. His timidity counselled him well. In Europe he wandered helplessly about, passing much of his time at first in Egypt, where some passing stranger vividly described him as sitting upon the piazza of his hotel, "shunned by everybody, with trembling hands and vacant eyes." Subsequently he was reported as living with his son-in-law at Vevay, in Switzerland. Hall alone, of them all, attempted to resume his old ways of life. The ban, however, was upon him. The law firm in which he was a partner dissolved, and things went badly with him, until at last, in the early days of 1876, New York was astonished by the sudden announcement that the Ex-Mayor had decided to abandon his profession and to become an actor. He always had a fancy for private theatricals, and had won a certain reputation in them, and now, a man of middle life, he thought to mount the stage. He did so, and soon came down. He performed but in a single play, specially written for him, and having a very direct reference to the odium into which he had fallen as Mayor; but his failure was too evident to admit of question, even by himself; so, having once more made himself ridiculous, he shuffled off the stage back to his law office. Whether he would change places with Sweeny is an open question. The lesser satellites of the Ring were not more fortunate. The miserable death of Watson has already been described. His successor, Woodward, lives a fugitive in Paris, the companion, it is said, of Tweed's son Richard, who is supposed to keep guard over him in the interest of his father. Genet, Wilbour, Fields, and Cook are likewise in exile, bankrupt and depressed, bearing assumed names, living from hand to mouth, and anxiously "studying extradition treaties." Of the contractors, through the medium of whom the frauds were

perpetrated, Garvey turned state's evidence, and disgorged his plunder. Ingersoll, convicted of a technical forgery in connection with the city business, was imprisoned, and then pardoned on condition that he would furnish the evidence necessary to convict his principals in crime. The Ring judges were no more fortunate than its more immediate principals. Ejected from the bench and disqualified from practice at the bar, broken in health, ruined in character, bereft of influence, and dependent on a father-in-law for support, Barnard could only show his strong sense of disgrace by denunciation, at once fierce and impotent, of every one who had contributed to his downfall. Cardozo, hardly more fortunate, escaped an expulsion from the bar only by a piteous appeal to the mercy of the Bar Association, accompanied by the assurance of his intention to immediately leave New York and settle in the extreme West. When the proceedings against him had been abandoned, he quietly resumed the practice of the law, at first in the lower and then, emboldened by impunity, in the higher courts. But his haggard, anxious face testified to the suffering which his disgrace had caused him, and those who knew him best spoke of him as a broken-hearted man. Even his nephew Nathan, — his "Gratz," — after his uncle's resignation, having become despondent through pecuniary losses, added to shame and family misfortune, attempted his own life. McCunn, proceeded against like Barnard and Cardozo, was removed from the bench by a vote of the Senate on the 2d of July, 1872. Broken by dissipation, his system yielded to the heavy strain of shame and excitement, and the next day he took to his bed. He died three days later, in "affluence," but neither "in peace" nor "ease." Of the whole number who in July, 1871, were so flushed with success, so secure in power, so lavish of their vulgar wealth, not one in 1875 but would have joyously exchanged his lot with any decent inhabitant of the city he had plundered who earned an honest competence by honest toil.

Charles F. Wingate.

FIVE years will be complete on the 7th day of the coming November since by a great uprising at the polls the citizens of New York sealed the fate of the Ring. It is now possible, therefore, to look back and measure the results since attained with the character of the struggle, and the tremendous effort which was put forth in it. The retrospect is not encouraging. Certainly a broader, a more formidable hint has rarely been given to a people than was vouchsafed to this country in the history which has just been concluded. It very clearly foreshadowed the course which events are taking in America; for it must be remembered that America is yet very young. Until within a few years it was inhabited by an almost exclusively agricultural population, and there were not three really large cities on the continent. All this is now changed, or is rapidly changing. As population increases and the railroad and telegraph concentrate business at given points, cities multiply and the civic population tends always to assume an infinitely greater degree of relative political importance than formerly. In 1820 there was not a city in the State of Massachusetts; fifty years later one half of the whole population of that State had abandoned the forms of town government. Chicago, Cincinnati, St. Louis, are all destined to be vast interior communities, numbering before the end of the century, in all probability, their three millions of inhabitants. Other points will develop in like proportion. New York simply heads a growing column; it does not stand alone. The question, therefore, of municipal government in its whole length and breadth was involved in the history of the rise and fall of the New York City Ring. Unless it taught its lesson the great experience was thrown away, and will have to be repeated.

Up to the present time there are no indications that the American community has looked upon the New York City municipal experience as anything but a local scandal. They have apparently thought that it carried with it no lesson for them. In this conclusion they will probably find themselves egregiously and bitterly mistaken. Chicago and St. Louis and Brooklyn and Philadelphia may already begin to

suspect something of the sort. In point of fact, the question of ruling vast bodies of human beings, containing a large percentage of the vicious, the ignorant, the criminal, and the unfortunate, — closely compact and sharply divided into those who have and those who have not, — a population no longer homogeneous or fixed, but largely made up of foreign and floating elements bound by no traditions or inherited education, — the question of ruling such populations as these under a republican form of government and by means of universal suffrage is a not less vital one to-day in Massachusetts, Illinois, Ohio, and Missouri than it is in New York.

Yet even in New York, where the memory of the first great experience should yet be fresh, the importance and pressing character of the question seem not to be understood. Else why is it that the lesson of 1871 has been so barren of fruits? Looking back over the five years, it cannot be said that a single step has been taken which would indicate that the people of New York have learned anything from it. The great effort of that year and the decisive victory at the polls certainly ameliorated for a time the condition of municipal affairs. They could not well help doing that. Even in this respect, however, the results, when closely scrutinized, seem wretchedly small. That Tweed and his associates were overthrown and driven from office was certainly no great achievement. Had they not been, it would simply have indicated that the end had come. For it must be borne in mind that these men were not ordinary official delinquents, or even defaulters and peculators, but they were a gang of unclean thieves, — "beastly rascals," as the New York "Nation," in language none too strong, at the time described them, — and the sole subject of astonishment was, not that they were expelled from office, but that they dared make even an attempt to retain it. Their overthrow, unless government was to become a mockery, should have been a mere matter of course. Beyond this, however, the movement resulted only in a temporary purification of the judiciary and the city executive; in absolutely nothing more. Even in these respects, also, the improvement was in no degree radical. It touched only the surface. The city judiciary is still elected by universal suffrage, and the Mayor is designated in

advance by a combination of city politicians. For a brief time, of course, the uprising of 1871 infused a little more care into the selection of candidates, — decency was not openly disregarded; though even this outward respect did not go far enough to prevent O'Brien from becoming a formidable candidate for Mayor within one year of the reform election. Nevertheless, the impetus of 1871 proved itself sufficient to drive the worst of the judges from the bench, and to fill their places with respectable men. This was a substantial victory; preventing as it did a recurrence of the old, intolerable evil for a period of eight or perhaps ten years. The executive offices were filled with men of better character, liable to summary removal at any city election. The legislative branches of the city government remained just what they had been, — wholly bad. Meanwhile the power of the city political organizations was not touched. Personal quarrels among leaders for a time interfered with the efficient working of the "machine," but there it was. Finally, the whole case may be summed up in the fewest possible words by stating what is the indisputable fact, that, at the coming election, all the judges, executive officers, and members of the city government of New York then to be chosen will be designated in advance by two men, and those men are John Kelley and John Morrissey. How far their action will be influenced by a recollection of the uprising of 1871, it is impossible to say. That unknown quantity will, however, measure the extent of the radical reform which that movement brought about.

Not only, however, have the events which have been recounted as yet failed to suggest any adequate remedy for the evils which led to them, but they also gave new life to certain political theories which have now become positively mischievous. Prominent among these was the idea that no radical reform at all was necessary, because the success which attended the uprising of 1871 showed that all would be well if citizens would but attend to their political duties. It is hard to imagine reasoning more utterly fallacious. Government, especially municipal government, is not an end, but a means. The object for which it exists is not to supply citizens with an occupation, but to enable them to attend properly, conveniently,

and safely to their business affairs. The citizens of New York perform functions of immense importance in the economy of the country. They in great degree move its financial, commercial, and intellectual machinery. To do this properly necessitates the application of all their powers. To call these bankers, merchants, manufacturers, lawyers, editors, authors, and brokers away from their proper duties for six weeks in each year to attend primaries, "fix slates," watch "the men inside politics," go to conventions and actively canvass to secure, first the nomination and then the election of good city officers, from the judge of the Supreme Court to the member of the Common Council, — to do this is at best an absurd waste of power. It can and has to be done now and again, in times of great exigency, but to depend on it as an annually recurring part of a political system is simply childish. It was done in New York in 1871; it cannot be done there again. A body of theorists and doctrinaires, preaching civic duties and crying out that "eternal vigilance is the price of liberty," may insist that it has got to be done, and successfully resist every attempt at a recognition of facts and consequent rational reform. That will not change the grand result. A system which calls for such an immense and constant expenditure of political force to keep it working is wrong and absurd, and must and will break down. Its doom is written on the wall. The degree of mischief it will do in breaking down will of course depend on the length of time it is kept impotently running.

The difficulty in the case of New York was simply this. A few very unscrupulous men, realizing thoroughly the changed condition of affairs, had organized the proletariat of the city; and, through the form of suffrage, had taken possession of its government. They saw clearly the facts in the case, which the doctrinaires, theorists, and patriots studiously ignored or vehemently denied. They knew perfectly well that New York City was no longer a country town, inhabited by Americans and church-goers and officered by deacons. They recognized the existence of a very large class which had nothing, and availed themselves of its assistance to plunder those who had something. The only way to meet them effectually and prevent a recurrence of the experience is for the friends of good

government equally to recognize facts and shape their course accordingly. The question then is a practical one.

If New York, or any other great city in America which finds itself brought face to face with this issue, were an independent autonomy, — like Rome or many of the free cities of the Middle Ages, — the question would at once be divested of all that which in America makes it difficult of solution. Under these circumstances the evil would run its course, and cure itself in the regular and natural way. New York would have a Cæsar within six months. Whether he came into power at the head of the proletariat or seized the government as the conservator of property would make no difference. The city would instinctively find rest under a strong rule. The connection which exists, and necessarily can never be severed, between the modern great city and the larger state, closes this natural avenue of escape. New York City is tied to New York State, and must stumble along as best it may at its heels. It is guaranteed a government republican in form, and consequently a radical remedy for the evil must be found within that form, or it cannot be found at all, and the evil must remain uncured.

The thing sought for then is to obtain a municipal government, republican in form, in which property, as well as persons, shall be secured in its rights, at the cost of a reasonable degree only of public service on the part of the individual citizen. The facts to be dealt with are few and patent. On the one side a miscellaneous population, made up largely of foreigners, and containing an almost preponderating element of vice, ignorance, and poverty, all manipulated by a set of unscrupulous professional politicians; on the other, a business community, engrossed in affairs, amassing wealth rapidly, and caring little for politics. Between the two the usual civic population, good and bad, intent on pleasure, art, literature, science, and all the myriad other pursuits of metropolitan life. The two essential points are the magnitude and diversified pursuits of the population, and its division into those who have and those who have not.

Bearing these facts, which cannot be changed, in mind, then a few cardinal principles on which any successful municipal government, republican in form, must rest, may safely be for-

mulated. In the first place, the executive must be strong and responsible; in the second place, property must be entitled to a representation as well as persons; in the third place, the judiciary must be as far removed as possible from the political arena. In other words, justice must be made as much as possible to descend from above. Curiously enough, each of these principles, instead of being a novelty, is but a recurrence to the ancient ways.

The present custom, derived from the doctrinaire teachings of the last forty years, is to destroy all executive responsibility by calling on the citizen to elect directly almost every conceivable executive officer. Accordingly, when the voter goes to the polls, a ticket, which resembles nothing so much as a page from the city directory, is thrust into his hand. He is called on to vote at once for fifty candidates for as many offices. In a country town, where every one is more or less known by all, this system may, and often does, work well; in a city or in a large community it never can. As a preliminary to any decent municipal government it must be wholly reformed away. In its place the old, common-sense, Anglo-Saxon principle of a responsible executive head must be accepted. This is the corner-stone of all reform.

The legislative has next to be considered. Here, again, men have for thirty years been going wild over theories. On this subject it is just as well to use plain language, for cant and self-deceit will not produce good city governments. Because in small and primitive communities, where every one had something, a separate representation of property was found unnecessary, the growth of "rights-of-men" doctrinaires, who have infested this country for eighty years, at once proclaimed that it never was or could be necessary anywhere. Hence, in time, Tweed and Sweeny and Connolly. They were the early fruits of a right theory wrongly applied; the full harvest is yet to come. The fact that all great municipal communities are largely divided into those who have and those who have not, has yet to be recognized as the basis on which the legislative department of every stable city government must rest. That all persons, rich or poor, wise or ignorant, have rights in our cities is indisputable, and those rights can only be secured to

them through a personal representation in the city government. Because persons have rights, however, it in no way follows that such rights are exclusive. The arrogance and disregard of all decency evinced by Tweed and his associates arose simply from the fact of their firm conviction that in New York property had no effective means of asserting itself against persons. The remedy would have been complete and obvious had the old, simple institution of double legislative chambers existed, the one representing property and the other persons. To this it will have to come at last. The voters of the great cities must be divided. Those paying taxes of perhaps $50 a year, more or less, must be represented in one chamber; and those paying taxes less than the sum fixed, or no taxes at all, in the other chamber. Then, and not until then, will existing facts be recognized, and municipal government find itself resting on a stable basis.

Finally, as respects the government of cities, at least, every step of the ruinous path which led to filling the bench of justice by the nominees of the caucus has yet to be retraced. Barnard, Cardozo, McCunn, and Shandley were but its logical and natural results. What antic of theory run mad can be imagined more absurd than the intrusting the selection of city judges to a caucus made up of city politicians! Yet this has for years been systematically done. It is, of course, impossible that the practice should be permanent. Its end is probably not very remote when it is matter of common notoriety that two such men, wholly irresponsible at that, as John Kelley and John Morrissey designate for election, without appeal, all the judges of the New York City bench. How much scandal, corruption, and outrage will be required to utterly destroy a system which survived Barnard and Cardozo, it is impossible to say. In time the necessary amount will certainly be forthcoming. It will then only remain to again, under the ruin of theories, recognize the hard facts, and on them to re-establish the ancient practice, — a judiciary appointed by a responsible executive, and holding office during good behavior.

These three are cardinal principles, and beyond the statement of them it is not now proposed to go. There is no room here to enter into an elaborate discussion which might require

a volume to complete. As respects details, there is room for an infinite difference of opinion. A system of minority representation, for instance, if it could be brought into practical use, would be of immense value as an adjunct. The presence of one or two able and courageous men is of infinite consequence in a city government. To give to such the whole city in which to find a constituency would doubtless be a great step in advance. So of the control of the treasury. The choice of a Comptroller, instead of devolving on the Mayor, as at present, might belong to that chamber which represents the property-holders of the city. They contribute the funds, and they might rightfully claim, perhaps, the choice of their custodian. Yet another point would relate to imposing a penalty in case of refusal, without good cause, to serve a reasonable term in municipal office. This again would be but a recurrence to the usage in force for over a century in New England. These and all similar questions, important as they are, might none the less be decided one way or the other, and the great result yet be satisfactory. Not so the three cardinal principles which have been referred to. They are one and all indispensable. A powerful and responsible executive ; a legislative founded on the distinct recognition of the rights of property as distinguished from those of persons ; and an appointed judiciary holding office during good behavior, — it is on these time-honored foundations that the municipal government of the future in this country has got to rest. Until it reaches them it will not rest. Any plan which tries to ignore or evade them simply refuses to recognize facts, and must fail accordingly. This was clearly the lesson which should long since have been deduced from the New York City experience of 1871. It was a lesson, too, not for New York alone.

Art. V. — The "Independents" in the Canvass.

Just before the first meetings intended to have a bearing on the Presidential nominations for the campaign now going on were held, Mr. W. M. Evarts one day remarked to Carl Schurz that the Republican party in its then condition reminded him of nothing so much as of an army whose term of enlistment had expired. Mr. Evarts is justly famed for the witty and incisive way in which he expresses what other people think, but he has not often had the good fortune to hit off a happier simile than this. It included in ten words a pamphletful of political insight, and accounted at once for that large amount of individual action which is such an essential feature in the present canvass. The field is full of stragglers.

On the slavery issue the Republican party enlisted for the war. So far at least as the loyal States of the Union were concerned, it numbered among its leaders or in its ranks a very considerable preponderance of the political virtue and intelligence, and of the disinterested public spirit of the community. It mustered, of course, its train of camp-followers and stragglers and adventurers, — those who joined its ranks at the eleventh hour, and even just before the striking of noon, — who were as loud-mouthed and repulsive a set of political vagabonds as ever canted about principles or hungered after loaves and fishes. For a number of years this element, as a whole, retained its proper position at the rear. In proportion, however, as the objects for which the party was organized became accomplished facts, it assumed a greater and greater prominence, until at last it secured for itself an almost undisputed ascendency. This was not unnatural, but it none the less indicated the close of a term of service. Accordingly, about the time when those who never knew what a principle was had pushed their way to the front and were confidently appealing to a glorious record, those who had made the party and inspired its policy through its years of active life found themselves once more pondering over new issues and striking out in independent action.

With the Democratic party the case was somewhat different. The very completeness of success which deprived the Republican party of its occupation in great degree re-created an occupation for the Democracy. That party, as such, had, anterior to the war, been long and laboriously formed as the Northern ally of the slaveholding oligarchy of the South. Into it had naturally drifted the great mass of the political ignorance, corruption, and venality of the free States, and, throughout the Rebellion, it constituted simply a cowardly and traitorous opposition, always gravitating heavily towards its ancient allies, but utterly unable, from want of that direction to which it was accustomed, to originate a policy or to conduct a respectable opposition. A lifedom of leading-strings had wholly unfitted it for independent political action. The close of the war did not at once restore to it either a lead or a policy. The old slave oligarchy was utterly ruined, and it took time for the new South either to organize a policy or develop political leaders. The lapse of eight years, however, supplied that need, and at the elections of the year 1874 it became apparent that the South, as such, was once more a political power, though no longer cemented and welded together by the one overshadowing interest of a property in slaves. In place of this, however, there was a new and temporary bond of common action, — the desire and determination on the part of the white population in those States to recover their political independence in the Union, and to throw off the odious rule of the enfranchised Africans. This, on the other hand, it had been the whole aim and object of the reconstruction policy to prevent. Thus gradually but surely the South once more became a political unit, and, as it did so, the Democratic party of the North, true to its instincts and traditions, gravitated towards it and assumed at last the shape of a coherent opposition. The Republicans had restored to it a mission. It is always so in revolutionary times. It was so in England in 1649, and in France in 1793. Moderation and wisdom in the use of victory won through civil strife are rarely given to individuals, almost never to parties. In our own case, when the Republican party undertook, as the phrase went, to "reconstruct" the South, it fairly overstepped the

bounds of moderation, and went to work to reorganize a thoroughly disorganized social, political, and industrial system on preconceived theories which were wholly at variance with actual facts. By more than accomplishing their own work, they thus made work for their opponents. Accordingly the party which had been so skilfully organized by the dominant South to be its faithful political ally, after fifteen years of demoralization and defeat found itself once more rising into prominence as the protector of a struggling and dominated South. Thus the presidential election of 1876 finds the deep ground-swell of the great rebellion storm only slowly subsiding. The blow is over and will not revive; the South is a wreck in pressing need of repairs, and to insure her getting them is the present work of the Democratic party, while it remains for the Republican party to see that in the process the great results of the war are not disturbed.

So far, therefore, as the momentous political issues of twenty years ago are concerned, little remains over which to struggle. During the present canvass issues, side-issues, and after-issues will, indeed, be manufactured out of it; sometimes by very honest and very dull men who, having once learned to talk on a certain subject, have no faculty of speech on any other; and sometimes by very cunning and unscrupulous men, who will work on the old passions and the old hatreds as long as they can possibly hope to get themselves into office, or to keep themselves there, by so doing. In all this, however, there is something very uninviting and even repulsive to men who look upon politics as anything more than an occupation, and upon office-holding as anything more than a means of support. The continued dwelling upon the last phases of a stale excitement is neither a philosophical nor an ennobling pursuit. It is small matter for wonder, therefore, that the number of those who act independently of all party affiliations is continually increasing. The wonder rather is that the majority still cling to the ruts. Meanwhile it is now proposed to discuss, as temperately as may be, the considerations likely to influence the former class either in voting or abstaining from voting in the present election.

It was the action of these men in holding a conference at

the Fifth Avenue Hotel in New York, on the 15th of May, which constituted the first important act of the campaign, and in no small degree gave a character to it. Political conferences are always dangerous things to meddle with. Not infrequently they produce results directly opposite to what is desired by their originators. It was somewhat thus with that which gathered in New York in May upon the call of Mr. Schurz and his friends. The assemblage was large, miscellaneous, earnest, and intelligent. Made up of men who cared little for office and who were deeply dissatisfied with existing political conditions, it was apparent enough that circumstances might easily arise which would impel them to a united action. Nor in such case was it at all improbable that their action would exercise a decisive influence on the results of the campaign. The difficulty in their way arose from the fact that the men there gathered were thoroughly representative men,— that they actually had behind them a large constituency,— and they represented that constituency most directly in that they asserted a perfect independence of all party organizations. They were in fact a company of Independents ; only, as such, they happened to be just as independent of each other as they were of the party "machines." Accordingly they agreed only in negatives. They did not even attempt to suggest, much less did they think of laying down, any positive line of action. Indeed, hardly any two were there with the same purpose. Some desired to force the nomination of Mr. Bristow upon the Republican party ; others that of Mr. Tilden on the Democrats. There was a general and determined feeling of hostility to Messrs. Blaine, Conkling, Morton, and Hendricks, which in case of their nomination wished to have everything prepared for an organized and emphatic opposition, independent if need be. This result, indeed, was by some secretly hoped for ; though the majority undoubtedly stood ready to accept from either of the regular parties any nomination which carried with it a reasonable assurance of reform. The pressure it was sought to bring about was on the conventions at Cincinnati and St. Louis. Measures looking towards independent action were regarded with suspicion and simply as a last resort.

Having adopted a vigorous and ringing address, and appointed an executive committee to insure action in certain contingencies, the conference dispersed. The Independent Voters had retired to their homes, and now it remained for the party managers either to conciliate their support or drive them into a movement of their own. The two conventions were then held, and resulted, the one in the defeat of Mr. Blaine, and the other in the nomination of Governor Tilden. The result was in neither case all that the Independent Voters as a class could have desired, but, on the other hand, both parties had placed themselves in a position which made outside action practically impossible. In other words, the nominations made and the platforms adopted at St. Louis and at Cincinnati were in neither case the best, but in each case they were good enough. There was nothing from which an appeal could be taken to the country at large, with any prospect of success. They were, in a word, perfectly calculated to satisfy the average voter. Accordingly, no sooner were they announced than those who had met in the Fifth Avenue Hotel in May seemed in an agony of impatience to declare their adhesion to the one side or the other. In this respect they displayed only that lack of discipline and absence of leadership which is almost invariably the fatal defect in such attempted combinations. Could they have held together, or acted upon the party organizations with any degree of concentration, it can scarcely be doubted that before the campaign was over they could have forced their own issues to the front and dictated their own terms of adhesion. As it was, however, the instant the nominations were made the members of the conference resembled nothing so much as a group of discreetly clad clergymen caught out in a thunder-storm without any umbrellas. There was something absurdly ludicrous in the haste with which they got themselves under cover. The papers were full of their telegraphic despatches, and wherever two or three were gathered together an Independent was among them defining his position. Mr. Schurz speedily appeared with a manifesto on one side, and Mr. Godwin on the other; while the body of the Independent vote, which it had been the object of the conference to concentrate, found itself free to

make its own choice of candidates and platform, with only one thing absolutely certain, that in neither case were they wholly satisfactory, and that injudicious haste had rendered the action impossible through which alone an improvement could be compelled. Though any positive or united line of conduct has, therefore, ceased to be possible, the principles which may be expected to control the individual course of those who now hold themselves aloof from party lines are none the less worthy of consideration. The average politician to the contrary notwithstanding, there is a hereafter to every election. Whichever party succeeds in electing its candidates, the Independent Voter will have political duties of some sort to perform. In the first place, so far as the present campaign is concerned, he must make up his mind whether he will follow Mr. Schurz into the support of Governor Hayes, or Mr. Godwin into that of Governor Tilden; or whether he will, declining to support either candidate, quietly stay at home and abide the development of events, the course of which he can neither plainly discern nor greatly influence. Having decided this question for himself, it yet remains for him to have his mind clear as to the course it will be his duty to take, whichever party comes into power.

In considering these questions it is well in the first place to try to get a perfectly clear perception of the issues involved in the campaign. That he may do this it is absolutely necessary for an intelligent being to close his ears to the discussion generally carried on. In that, words supply to an altogether inordinate degree the place of ideas. Of the three elements, therefore, into which every campaign discussion may be decomposed, — rubbish, formalities, and essence, — it is here proposed to devote very few words except to the last. Under the head of campaign rubbish may, in the present case, safely be classed all the rambling discussion of the war records of the several candidates, and their opinions prior to the Rebellion or the Mexican War; also the charges and counter-charges made as to their transactions in mules, their stealing railroads, plundering widows and orphans, "dodging" taxes, issuing "shinplaster" currency, the number of watches they own, and the date at which they may have purchased pianos. Personally all

the candidates are respectable gentlemen. They have passed their lives before the communities in which they live, and been honored and trusted. As to the views they may have entertained twenty years ago, it is to be remembered the War of the Rebellion closed in the year 1865. The issues at stake between the years 1848 and 1860 are now just as much settled beyond the peradventure of reversal as those involved in the War of 1812 or the Revolution. The records of Governor Hayes and of Governor Tilden anterior to 1861 have, therefore, sentiment apart, just about as much bearing on the living issues of this campaign as their opinions on the Hartford Convention or the Darwinian theory of evolution. No one can deny that the mass of trash and rubbish of this description — constituting, as it does, nine tenths of the campaign literature — has its influence. Unhappily, mud-flinging is to a very large class of mankind one of the more enjoyable features of every canvass; and, as there are said to be German counties in Pennsylvania where votes are regularly at each election cast for General Jackson, so a not inconsiderable portion of the community now does, and for the next fifty years will, measure every candidate, not by his acts of the day, but by what he said or thought in 1860, or did or did not do during the Rebellion. Citizens of this description unquestionably cast votes, and it is only proper, therefore, that a fair proportion of the discussion of every campaign should be devoted to them. They are, however, not entitled to the whole of it.

Excluding, therefore, all these topics from consideration here, there yet remain the formalities of the campaign and its essence. Among the formalities should be classed the proceedings of the party conventions, including those meaningless arrays of platitudes which are regularly dignified by the name of platforms, and are supposed to beguile unthinking and inexperienced voters; and in this class belong, also, those ponderous campaign speeches of the great party "statesmen," in which, at regular intervals, they define their own positions and demolish "the other man." In the essence of the campaign are the personal characters and surroundings of the several candidates, their letters of acceptance, and their party associations; everything, in fact, which throws any reliable light upon

the probable tone of the incoming administration, the line of policy likely to be adopted by it, and its practical ability to carry that policy out.

And in the first place, as respects the formalities of the campaign. Certainly there is in the present case little enough either in the action of the conventions, the framing of the respective platforms, or the ponderous eloquence of the party "statesmen" to excite enthusiasm or to influence the calmer judgment. Estimated by their professions merely, there would seem to be absolutely no ground of choice between the parties. There has been nothing like the canvass in this respect since 1852, when Whigs and Democrats vied with each other in servility to the slave oligarchy. An intelligent foreigner, coming here now and reading the two platforms in order to get an idea of what the election hubbub was about, would assuredly be most reminded of Swift's "big-endians" and "little-endians." Throughout, the two declarations of principle are so curiously identical that, with one minor exception and the omission of the regular campaign denunciation, they might just as well be exchanged and each party accept the other. Especially is this the case in regard to what are called the great results of the war. One party insists on their unconditional acceptance, and the other party accepts them unconditionally.*

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* In support of the correctness of this proposition, the declarations contained in the two platforms on the prominent issues involved in the canvass are set forth below in parallel columns. In view of the savage denunciation for utter political profligacy in which partisan organs have indulged towards those who professed themselves ready to act with either party which put certain men in nomination, these extracts supply a good deal of food for reflection.

CONSTITUTIONAL AMENDMENTS.

Republican Platform.	*Democratic Platform.*
"The power to provide for the enforcement of the principles embodied in the recent constitutional amendments is vested by those amendments in the Congress of the United States; and we declare it to be the solemn obligation of the legislative and executive departments of the government to put into immediate and vigorous exercise all their constitutional powers for removing any just cause of discontent on the part of	"We do here reaffirm our faith in the permanence of the Federal Union, our devotion to the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies that engendered civil war." ["If the duty shall be assigned to me, I should not fail to exercise the powers with which the laws and Constitution of our country clothe its chief magistrate, to pro-

So far as words count for anything, therefore, there is not on this last point a hair's breadth of difference between the parties, and the issue becomes merely the practical one,— Under which organization in power will the wounds caused by the war soonest close? Of course those whose whole political

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any class, and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights."

tect all its citizens, whatever their former condition, in every political and personal right." — *Governor Tilden's Letter.*]

SPECIE PAYMENTS.

Republican Platform.

"In the first act of Congress signed by President Grant, the national government assumed to remove any doubts of its purpose to discharge all just obligations to the public creditors, and 'solemnly pledged its faith to make provision, at the earliest practicable period, for the redemption of the United States notes in coin.' Commercial prosperity, public morals, and national credit demand that this promise be fulfilled by a continuous and steady progress to specie payment."

[A motion pledging the party to the Resumption Act of January, 1875, was rejected on a *viva voce* vote, without a count.]

Democratic Platform.

"We denounce the failure, for all these eleven years of peace, to make good the promise of the legal-tender notes, which are a changing standard of value in the hands of the people, and the nonpayment of which is a disregard of the plighted faith of the nation.

"We denounce the financial imbecility and immorality of that party which, during eleven years of peace, has made no advance towards resumption, ... and, while annually professing to intend a speedy return to specie payments, has annually enacted fresh hindrances thereto. As such hindrance we denounce the resumption clause of the act of 1875, and we here demand its repeal."

CIVIL-SERVICE REFORM.

Republican Platform.

"The best interest of the public service demands . . . . that senators and representatives, who may be judges and accusers, should not dictate appointments to office. The invariable rule in appointments should have reference to the honesty, fidelity, and capacity of the appointees."

Democratic Platform.

"Experience proves that efficient, economical conduct of the governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot-box, be a brief reward of party zeal, instead of posts of honor assigned for proved competency and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition."

On certain other points, which must, in the eyes at least of embodied party wisdom in convention assembled, be of great public moment, if we may judge from the prominence always given them, the resemblance of sentiments would be enough to convict an author of plagiarism.

SOLDIERS AND SAILORS.

Republican Platform.

"The pledges which the nation has given to her soldiers and sailors must be fulfilled,

Democratic Platform.

"The soldiers and sailors of the Republic, and the widows and orphans of those

stock in trade lies in stimulating sectional hate and in repeating the noisy watchwords of the war — the Boutwells, the Logans, and the Mortons — will insist to the end of this century, and, should they live so long, to the end of the next, that it will always be an act of madness to trust the great results of the war in any hands but their own. Some weight, however, ought in reason to be given to practical experience in coming to a conclusion on this point; and practical experience teaches a very different lesson. It is an indisputable fact that peace and quiet and good-will between the races has been restored in the South exactly in proportion as the States formerly in rebellion have passed into Democratic hands; hatred, outrage, and the dreaded color line have been perpetuated exactly in the degree that the administration at Washington has succeeded in bolstering up the "reconstructed" State governments. Judging by the experience of the last eight years, it would seem that the one great boon the sensible negro at the South should pray for would be to be let alone by his "pro-

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and a grateful people will always hold those who imperilled their lives for the country's preservation in the kindest remembrance."

who have fallen in battle, have a just claim on the care, protection, and gratitude of their fellow-citizens."

RAILROAD LAND-GRANTS.

Republican Platform.	*Democratic Platform.*
"We reaffirm our opposition to further grants of the public lands to corporations and monopolies, and demand that the national domain be devoted to free homes for the people."	"Reform is necessary to put a stop to the profligate waste of public lands, and their diversion from actual settlers by the party in power, which has squandered two hundred millions of acres upon railroads alone."

It is useless, however, to extend this curious collection of "principles." The real distinction seems to come down to this, — the leaders of both parties confess to a close similarity of sentiments, but the Republican leaders assert that the Democrats *will* not carry out their professions; to which the Democrats, with some force, reply, that the Republicans *have* not carried out theirs. But it is when the Republicans "charge the Democrats" with "treason," with "repudiation," with "imbecility," with "incompetence," and solemnly warn "the country against trusting a party thus alike unworthy, recreant, and incapable"; and when the Democrats "denounce" the Republicans for "improvidence," "financial imbecility and immorality," "profligacy," and divers other more especially enumerated "abuses, wrongs, and crimes," — it is then, in the utter demolition of "the other man," that the fight waxes hot, and the lines of demarcation are sharply drawn. It is all very funny in its way, and irresistibly suggestive of the famous Eatonswill election, and the tremendous controversies between Mr. Pott of the "Gazette," and Mr. Slurk of the "Independent."

tectors" at Washington, — to be allowed to assume, as quietly and speedily as he can, those natural relations to which, in spite of everything, he must at last come with the community in which his lot is cast. Certainly, wherever this has taken place his position and prospects are infinitely preferable to what they are confessed to be where it has not taken place. During eight long years the United States government has meddled and muddled in the affairs of South Carolina and Mississippi and Louisiana, with results over which the least judicious cannot but grieve. It is now nearly as long since it lost all practical power to interfere in Virginia, in North Carolina, and in Georgia; and now could Mr. Morton or Mr. Boutwell or Mr. Logan even pretend to assert that the condition of affairs as respects the colored race is better in South Carolina than in North Carolina, or in Louisiana than in Arkansas? The usual reply to this argument is, not a denial, but a gloomy reference to the order which reigns in Arkansas as compared with that for which Warsaw was once renowned. The question, however, for reasonable men to decide, is not whether the existing condition of affairs is perfect, — that we know it neither is nor, under the existing condition of affairs, can be, — but is it better in North Carolina than in South Carolina, in Arkansas than in Louisiana? The answer does not admit of doubt. When, therefore, the Independent Voter is told that he must vote for Governor Hayes lest perchance the existing condition of affairs in South Carolina and in Louisiana may not be perpetuated for yet another four years, and those States may become even as North Carolina and Arkansas, it may fairly be asked whether he is not justified in regarding such an argument as an insult to his intelligence. So far, therefore, as the condition of the South is concerned, the less the leaders of the Republican party have to say on the subject, except in the form of appeals to passion, hatred, and prejudice, the better. With their impotent system of protection which did not protect, and of meddling which only aggravated prejudice, they have themselves during the last six years been the most dangerous enemies the freedmen have had. The argument on this issue is overwhelmingly in favor of that organization which can set up Virginia against Louisiana and Georgia against South Carolina.

Practically, however, though exercising an immense influence on its result, this question is not at issue in the present canvass. Whichever party gains the ascendency, the South will in the future be left to work out its own destiny undisturbed by national interference. The Republican leaders have small desire to repeat the blunders of Louisiana, and Mr. Boutwell's proposal to remand Mississippi into a territorial condition stands not much better chance of adoption than would a counter proposal from Mr. Ben. Hill to take the same course towards Massachusetts. The Southern question in its present phase is consequently doing duty in the canvass as a powerful and well-understood campaign tonic, — a species of "Plantation Bitters," calculated to revive a flagging public interest. Abandoning the further discussion of it, therefore, to those by whom it is prescribed, it remains here to consider the formal attitude of the two parties on the questions practically at issue in the immediate political future of the country.

There are three great phases into which all political movement resolves itself, — the revolutionary, the constructive, and the administrative; and these three also necessarily succeed each other in the order in which they have been named. Within the last sixteen years it is apparent that this country has passed through two, and the more momentous two, of these phases, and is now entering upon the third. The period between 1861 and 1865 was one of unquestioned revolution; that since 1865 has been one of construction, which, well or ill done, will be complete as soon as South Carolina and Louisiana are permitted to reach the position of rest towards which they are irresistibly tending. That time cannot long be deferred. Meanwhile, naturally enough, as the special work of each period taxed all the energies and absorbed all the attention of the country, its administration fell into greater and ever greater abuses. At last, during the first administration of President Grant, the abuses which had gradually crept into the currency, the tariff, and the civil service began to excite the public attention. After the tremendous issues and excitements of the war, however, these purely administrative questions seemed almost trivial. Large bodies, also, move slowly, and for a time the great mass of voters went quietly and

smoothly along in the old established party ruts. It was only necessary for the leaders to raise the familiar slogan, and at once the clan was all excitement; while, for the rest, a well-rounded platform declaration answered every purpose. This state of affairs cannot, however, last forever. A period during which questions of administration only will be at issue and engage public attention in this country is, in the natural order of things, near at hand. The time must soon come when a formal enunciation of platitudes by party conventions will cease to be accepted in lieu of the faithful observance of pledges of administrative reforms. The progress of the canvass now going on, — the emphatic summoning of the war issues to the front and the relegation of the new issues to the rear, — the suspicious prominence of the vagabond element in party control, and the loud and ominous creaking of the two political "machines" as they grind out a result, — the success with which the political Bourbons have again succeeded in distracting the public attention from the abuses of the present by reviving the passions of the past, — all these unmistakable indications show that the time has not yet come. To hasten its arrival would seem to be the object the Independent Voter should have most at heart. That he may contribute to that end he must, in the first place, so far as in him lies, hold parties to a rigid and absolute adherence to their professions; and when they fall short of those professions, he must do what he can to defeat them, regardless of consequences. If he is not prepared for this, he may as well at once acknowledge his political impotence and satisfy himself with a constant perusal of his Bible.

Apart from the condition of the South, which has already been sufficiently referred to, there are at this time three living questions before the country: these are the matters of reforming the civil service, the currency, and the tariff. Among the Independent Voters there are those who give the palm as respects importance to each of these issues, and to each of them the conventions addressed themselves. So far as the formal utterances contained in the platforms are concerned, it is not too much to say that, judging by the experience of the past, no observing man will attach the slightest weight

to them. Take the clauses in the Republican platform, for instance, relating to the currency or civil-service issues, and compare them with the expressions on the same subjects contained in the platforms of the same party four and eight years ago. They are certainly no stronger; they assuredly offer no new guaranties. As respects the Republican party, the case needs but to be stated. With an assurance which would be comical were it not insulting, that party which, throughout six of the last eight years, has had complete and absolute control of every branch of the government, and during that time has not made even a decent pretence of carrying out its solemn pledges, now comes forward and unblushingly asks to be intrusted with a new lease of power on the strength of more pledges. Neither can the party lay its shortcomings as respects the currency and the civil service at the door of the President. It was the party, — the party leaders, — and not the President, who was responsible there. It was the Republican Congress which, in the face of its party pledges, passed a bill to inflate in time of peace a fraudulent paper currency; and it was that same Congress which contemptuously broke down its President's single weak attempt at civil-service reform. And, after doing this, the party convention puts forward a claim to be retained in office on the ground that it has nominated a new man to succeed President Grant, and that, though it fulfils no pledges, its "tendencies" and "impulses" are good! Twice in eight years has it dealt in noble professions; continuously through those years has it mockingly refused to make them good; and now when it proffers them again — *credat Judæus Apella!*

Neither is it much better with the Democrats. On one of the three living issues, that of the tariff, they certainly promise better than the Republicans, who in that respect are simply hopeless. Thoroughly believing in the Chinese system, no inroad into the outrages and absurdities of protection can be hoped for from that quarter. It is not easy, therefore, to see how any person who gives a prominence to free-trade among the living issues of the day can vote a Republican ticket. As to the Democrats, they promise well, but can they be relied on to make their promises good? Judging by the wretched fate

of the admirable tariff measure introduced into the House by the chairman of the Committee of Ways and Means during the last session of Congress, they cannot. So, also, on the currency and on the question of civil-service reform. Democratic platform promises can be had to order and in quantity to satisfy the most eager; but as for performance, the votes of the Democratic House of Representatives and its action as respected its officers were not reassuring.

It is, however, hardly better worth while to waste time over empty political formalities than over unadulterated rubbish. Declarations of principles adopted by Presidential conventions are not intended by those who frame them to express intentions, and should not be so construed; they indicate "tendencies" and "impulses." The profound indifference with which the platforms adopted at Cincinnati and St. Louis were received by the outside world afforded excellent evidence that this fact was generally appreciated. The lessons of the last eight years were not wholly forgotten. Passing on then to the essence of the campaign, the candidates are first to be considered.

In this respect unquestionably the *prima facie* advantage is with the Democrats. If there is one thing wholly opposed to the spirit of our institutions and the earlier and better usages of the country, it is the political trick of nominating unknown and untried men, on the ground that, being unknown and untried, they have no "record" to defend. Every voter is thus left free to imagine what he pleases, and, of course, *omne ignotum*, etc. In such a matter as this, it is best, perhaps, to try to see ourselves as we would see others, and as others must see us. As practical men, priding ourselves on our capacity for self-government, what would we Americans say if we saw, for instance, the Liberal party of England, on a defeat of the Disraeli Ministry and a dissolution of Parliament, select as their candidate for Premier, not Gladstone, not Forster, not any well-known or experienced leader, but some unknown, untried Lord Lieutenant of Canada, who had been a colonel in the Sepoy insurrection, and a silent member during one short Parliament? In the days of Washington and Jefferson and Madison we should have smiled, not without just pride, and

remarked that, republicans though we were, we at least did not make a farce of our government. Yet this is exactly what was done by the Republican party in the case of Governor Hayes. Of that gentleman all that is known is to his credit; he seems to have been a gallant and meritorious officer during the war; a faithful though uninfluential member of Congress after its close; and more recently a respectable, though not brilliant, governor of Ohio. Since his nomination, the verdict of those most intimately acquainted with him has been decidedly in his favor, and they have joined in warmly recommending him for the Presidency. All this, however, ill supplies the place of long public service. To fill the Presidential chair with success a man must have a great deal more than those good purposes, fair talents, and high character which serve to make him locally respectable. He must have judgment, firmness, insight, and, above all, experience in a much more than ordinary degree; and that he has these is only shown by trial. Even the most enthusiastic supporters of Governor Hayes can hardly, as yet, claim that his election would be anything more than a political experiment; more of an experiment than the election of James K. Polk in 1844, for he had at least been nationally prominent as chairman of the Committee of Ways and Means, as Speaker of the national House of Representatives, and as governor of Tennessee before he became a Presidential candidate. Governor Hayes's nomination, so far as the previous reputation of the candidate is concerned, is just about on a level with the nomination of Pierce by the Democrats, in 1852, or that of Fremont by the Republicans, in 1856; and it is infinitely below that of Lincoln by the Republicans, in 1860, for he had brilliantly sustained himself through the most trying canvass in the history of the country against the ablest and most unscrupulous of all the Democratic leaders. It is, therefore, difficult to see why Governor Hayes does not fall within that class of candidates who were so well pictured in the address adopted by the Fifth Avenue Hotel conference, as candidates whom Independent Voters could *not* support; men "who, however favorably judged by their nearest friends, are not publicly known to possess those qualities of mind and character which the stern task of genuine reform

requires; for the American people cannot now afford to risk the future of the Republic in experiments on merely supposed virtue or rumored ability, to be trusted on the strength of private recommendations."

The Democrats, on the other hand, whatever may be thought of the men, unquestionably have put in nomination candidates both of whom were among their most prominent party leaders, — men with whom and whose records the whole country was thoroughly familiar. That, on certain essential issues, and especially that of the currency, these two leaders were at variance is indisputable, but this merely proved that they were party leaders, and all who considered such variance a good ground for refusing to support the ticket had full notice of the fact, and could shape their course accordingly. Good or bad, the candidates were tried men, and the whole country knew how to measure them; the appeal was to facts, not to fancy; to the record, not to the imagination. And this is the only sound practice. In so far, therefore, the Democratic party has in this campaign approached much more nearly than its opponents to a correct usage; its record may be bad or otherwise, but it has at least nominated the most distinguished reformer in its ranks.

Passing from the individual candidates, it is now necessary to consider the letters in which they accepted the nominations. For, recognizing as if by common consent the utter contempt into which convention platforms have fallen, each candidate went to work at once to form a platform of his own, upon which, and which only, it was universally understood he would be expected to stand. These letters of acceptance were also received by the public as alone setting forth the distinctive issues of the campaign. Of the letter of Governor Hayes it may fairly be said that it was in every respect more satisfactory, far more manly, honest, and outspoken, than the platform of the convention which nominated him. It breathed, indeed, a refreshing atmosphere of frankness and almost of ingenuousness. On the other hand, to those who have heard and read of the dark ways of American politics, this very honest freshness of tone is suggestive of some unpleasant doubts. And here is the difficulty in substituting a letter for a record of trial. Any in-

genuous boy can write a letter full of high purpose; but to carry out that purpose in the Presidential chair requires a full-grown, stalwart man. For reasons presently to be shown, Governor Hayes's letter seems more calculated to inspire in the mind of the Independent Voter a belief in the good intentions of the writer, than a faith in his knowledge of men or his practical acquaintance with the difficulties of the position he may be called upon to assume. In other words, in reading his letter the mind instinctively goes beyond the programme laid down in it, to dwell upon the circumstances under which the writer must try to carry that programme out.

If elected President of the United States, Governor Hayes will not be, as many seem to suppose, an autocrat ruling the nation through four years by his own supreme will, but a chief executive officer merely, with very limited powers, who must look somewhere for support, if his administration is not to result in ignominious failure. Now Governor Hayes's letter was to the last degree outspoken in two respects: first, as regards a radical reform in the civil service, and, secondly, on the question of a return to specie payments. Upon each of these issues he went far in advance of the stereotyped and intentionally meaningless phrases which had long, to the grim delight of the party leaders, done harmless platform service, and placed himself directly on the line of the most pronounced reformers. Indeed, so outspoken was he that it has been more than once publicly suggested that the portions of his letter relating to these two issues were inspired, if not directly written, by Mr. Schurz. Be this the case or not, the question yet remains whether the man who, as candidate for the Presidency, wrote, or adopted in his letter of acceptance, the language referred to, can appreciate the circumstances by which, in case of his election, he must be surrounded. Facts are proverbially stubborn things. A President has got to encounter them, and must measure his language accordingly. If he does not so measure it, he will probably find in the end that it is not the facts which suffer. Now, what are a few of the probable facts of President Hayes's administration?

First, as respects the currency. An act of Congress passed in January, 1875, provides for a resumption of specie payments

at the United States treasury on the first day of January, 1879. If Governor Hayes is elected President, his first Congress will meet in December, 1877, — less than thirteen months before the process of resumption is to begin. In his letter of acceptance Governor Hayes gallantly says: "I regard all the laws of the United States relating to the payment of the public indebtedness, the legal tender notes included, as constituting a pledge and moral obligation of the government, which must in good faith be kept. . . . . If elected, I shall approve every appropriate measure to accomplish the desired end, and shall oppose any step backward"; — thus fully committing himself to carry out to the letter the provisions of the act of 1875. This was certainly most creditable to Governor Hayes's heart; but how does it speak for his head? Is it possible that any man competent not to occupy but to fill the Presidential chair can believe that the long and cautious process absolutely essential to a quiet resumption of specie payments in this country can be compressed into the brief space of thirteen months? It involves, somehow or other, a very considerable contraction of a much-inflated currency, a very considerable accumulation of gold, and consequent disturbance of exchanges and values. At least it involves all these, unless previous experience is wholly at fault. Can all this be accomplished in thirteen months, even though a thoroughly docile Congress seconds the exertions of an earnest President? That when the act of 1875 was passed, specie payments might have been resumed by this country, to its own great relief, by January, 1879, or even before that date, no student of financial questions for a moment doubts. But neither does any such student doubt that long and cautious preparation will be found an essential preliminary to resumption, whether it is to take place on the 1st of January, 1879, or any other day. A quiet and easy resumption is a port into which this country is destined neither to drift nor to drive; it has got patiently to beat there, in the face of wind and tide. That the United States, by the act of its constituted authorities, is pledged to pay its notes in specie on the 1st day of January, 1879, is indisputable; that not to fulfil the pledge will be a discreditable act of semi-repudiation is no less true than mortifying; and that,

for this humiliating condition of affairs, the party which nominated Governor Hayes is responsible, is most undeniable of all. It was that party, in full and unchecked control of the government in all its branches which passed the Resumption Act of 1875, and refused even to consider the supplementary legislation which could alone make that act effective. Before Governor Hayes so implicitly pledged himself to carry out the provisions of the Resumption Act, would it not have been wise for him to consider whether the time in which it was possible to do so had not already passed? Should he not in common prudence, while announcing himself as opposed to any step backward, have insisted on the early passage of the legislation necessary to make resumption possible, and declared that the day for resumption should be deferred with his consent only after an honest effort to resume had at least been made and failed? As it is, Governor Hayes has pledged himself to ignore facts. He has placed himself in an apparently impossible situation, from which he will have to recede; he has pledged himself to the act of resumption at a near date, instead of to the means by which resumption is to be made possible at any date. He has thus got himself into a false position to begin with, from which nothing but almost a miracle of good luck can save him. The Senate may, in case of his election, good-naturedly relieve him by passing the House bill repealing the date fixed for resumption, before his accession to office; but unless they do this, the chances are heavy that one of President Hayes's early acts will be to affix his signature to a measure repealing or at least deferring that date to which he now stands so explicitly committed.

So also as respects a reform of the civil service. Far be it from any reflecting citizen of the Republic to deny that the present national system of civil service is a disgrace. Founded as it is upon the principle that the national offices constitute, not a sacred trust, but a rich mass of plunder, the prospect of securing which will incite opposing factions to use their utmost exertions, it has become a standing peril to our institutions. The work of reforming a corrupt system which has been in use now for fifty years, and to which every bad and active element in the country is thoroughly wedded, is no trifling task. On

this point, however, something must be said at greater length in another part of this paper. In the present connection it can receive no justice. Recognizing the magnitude of this evil, however, every intelligent voter must respond to those portions of Governor Hayes's letter of acceptance in which he says that it is the question of "paramount interest" that "at first the President, either directly or through the heads of departments, made all the appointments, but gradually the appointing power, in many cases, passed into the control of members of Congress. The offices in these cases have become not merely rewards for party services, but rewards for services to party leaders. This system . . . . is felt, I am confident, by a large majority of the members of Congress, to be an intolerable burden and an unwarrantable hindrance to the proper discharge of their legitimate duties. It ought to be abolished. The reform should be thorough, radical, and complete. . . . . If elected, I shall conduct the administration of the government on these principles, and all constitutional powers vested in the executive will be employed to establish this reform."

Yet brave as these words are, they cannot but suggest to any one not wholly ignorant of our political system and its workings grave doubts as to the practical capacity of the candidate who wrote them. They are so very ingenuous! They seem to evince such a painfully simple faith that Messrs. Cameron and Conkling and Morton and Blaine and Howe and Sherman and Logan will at once see the matter in its correct light, and will gently and submissively accept the situation; yielding their dearly prized patronage, for the pure love of reform, without a murmur, much less a thought of resistance! It may be so; but if it is, then will the Afric indeed have changed his skin and the leopard his spots!

A thorough and correct appreciation of circumstances and an accurate adjustment of means to end is generally looked upon as a first essential to human success. Don Quixote performed, perhaps, a very gallant feat of arms when he ran a tilt with the windmill; but he came out of his tournament badly damaged none the less. It is surely to be supposed that Governor Hayes appreciates the fact that, if he is elected President of the United States, his powers as such will be limited,

and his administration can be saved from lamentable and utter failure only through the hearty and united support of some organized party. No President in this country can carry on an administration to suit himself on sentimental or guerilla or Ishmaelite principles. He has got to have a party behind him, or fail. Not only this. Common-sense, as well as political usage and party courtesy, always dictates to the President elect who are to be his confidential advisers and whom he can look to for effective support. These are, in the first place, his unsuccessful competitors in the nominating convention; and, in the second place, those who brought about his nomination and subsequent election. Not only does this usage exist in our political system, but it is a sound one. Through it alone can a responsible, in place of a personal, administration be secured. President Grant, looking upon his Cabinet as a sort of civic staff, ignored the usage, picking up his heads of departments as he met men he fancied in the cars, at dinner-tables, or in the club-rooms; and the result became known as "Grantism." Lincoln always recognized it, and it saved his administration. In the early days of the Republic no President thought of disregarding it. In the case of Governor Hayes, who are the advisers thus designated to him in advance? His chief competitor in the convention was Mr. Blaine; his rivals, who secured his nomination over Secretary Bristow, were Messrs. Morton and Conkling. Senator Sherman from Ohio first named him prominently as a candidate; Secretary Cameron manipulated the Pennsylvania delegation in his favor at the decisive moment; and Secretary Chandler is the head of the national executive committee which is organizing the campaign for his election. Under these circumstances, how is President Hayes to form a Cabinet in sympathy with his views as respects the civil service? Upon his inauguration he will find Messrs. Cameron and Chandler holding from his predecessor the portfolios of War and of the Interior. No names in the country are perhaps so thoroughly identified with the idea of a debauched, "machine" civil service as those of Cameron and Chandler. The first is own son to his father; and the last has always delighted in heaping his coarse and clumsy ridicule on every suggestion of civil-service reform. These two prominent

contributors to his election President Hayes must unceremoniously eject from the Cabinet or his professions will assume a very hollow sound. Having disposed of them, who is to be his Secretary of State? If usage is to be observed, it must be Mr. Blaine. But the name of Blaine is at the present time very far from being pleasantly associated in the minds of conscientious reformers. To put it very mildly, his nomination as Secretary of State would fail to inspire confidence. Nor is the case any better as respects Messrs. Conkling and Morton, Governor Hayes's other competitors. Their entrance into the Cabinet could and would receive but one interpretation. Yet these are the party chieftains without whose active support in the Senate President Hayes's administration must be from its very inception a foregone failure. He cannot ignore them without destroying his party; he cannot be guided by them without tacitly abandoning all his brave professions. Yet the issue is one he has got to meet on the threshold of the White House. Frankness is not always wisdom; honesty is not always identical with capacity. Mr. Bristow had been tried and had a record; no declarations from him would have been needed. The country knew what he could do. Governor Hayes promises well, but he has not been tried, and he seems somewhat disposed to ignore stubborn facts. The proof of the — But, as Hamlet remarked, "the proverb is something musty."

The same ingenuous simplicity which has been referred to in connection with other portions of his letter shone out in the self-denying ordnance at its close, as respects a re-election. It was simply puerile. If Governor Hayes does not know, he should know, that if he proves but in a small degree the man his friends claim him to be, if he carries out but in part the great reforms he suggests, his re-election for a second term will be a matter of such transcendent public consequence, that no pledge he could now give would or should for an instant stand in the way. In fact, there is something about this whole proposition for disqualifying Presidents from re-election which to a reflecting man is thoroughly exasperating. What, again, would the American people say of a European community which, after a short fixed period of administration, forever disqualified its Gladstones and Disraelis

and Thiers and McMahons and Bismarcks and Cavours and Nesselrodes, — turned their most experienced servants neck and heels out of the direction of public affairs at just the time they had proved themselves qualified for it? — and that, too, on the avowed ground that public and private virtue were so weak that those whom the people chose could not be trusted with power, lest they should abuse it to their private ends! Undoubtedly we should say that such a people made a farce of government, and were only fit to live under the effete sway of an hereditary ruler. In the present campaign both candidates give countenance to this childish expedient to secure reform, and Governor Tilden even goes so far as to suggest a constitutional disqualification. He fails, however, to explain why he limits his reform to the Presidency. He is now governor of a great State, and as such disposes of a large amount of patronage. He or his successors may use it to secure a re-election. Would it not be well, therefore, while about it, to institute a wider reform, and to solemnly disqualify for re-election every executive officer in the Union, down to the village mayors? This, at least, would lay the axe at the root of the evil. It is such contemptible tinkering as this which brings the whole system of written constitutions into contempt. It is suggestive of nothing so much as of trying to extinguish a first-class conflagration by squirting on it with a syringe. If the political virtue of our community and our public men has indeed fallen to so low an ebb that disqualification has become necessary to prevent a breach of trust, then the end is not far off, and the depriving ourselves of the power to re-elect a Washington, a Madison, or a Lincoln will not help us much. Governor Hayes probably meant all that he said in his letter on this subject; as to Governor Tilden, he, doubtless, reiterated the jargon in another form, not without some sense of shame, and simply because his opponent had set the bad example.

If the marked peculiarity of Governor Hayes's letter was its simple directness of tone, Governor Tilden's was chiefly noticeable for its extremely labored character. It plainly showed throughout that the writer felt himself placed by the circumstances of his nomination in a false position, from which he was trying to extricate himself, and with no very marked

success. His position was indeed a false one. The currency question and administrative reform are Governor Tilden's two battle-horses, and as regards both the action of the St. Louis Convention greatly aggravated his difficulties. In the first place, the Convention had insisted on denouncing the Specie Resumption Act of January, 1875, as a fraud, and demanded its repeal. As governor of New York Mr. Tilden had, however, distinctly identified himself with the Specie Resumption Act, and had gone out of his way to cause it to be re-enacted by the State Legislature. Consequently, however much others might denounce that law as a sham and a fraud, it did not lie in his mouth to do so. The act was not only denounced, but its repeal was demanded, and, so far as the Democratic House of Representatives was concerned, obtained; thus going as far as the party then could to establish the principle that in America there is no such thing as a national faith which all parties respect, but that the nation's pledge is binding only so long as the party in control of the government at the time it is given remains in power. A more humiliating experience for a Presidential candidate would not have been easy to imagine. Not only did Governor Tilden have to renounce his record before he began his campaign, but he did it very awkwardly. He might well, it would seem, have declared his adherence to every position he had assumed, and again insisted that a resumption of specie payments in January, 1879, had been perfectly feasible in January, 1875, though it had wholly ceased to be so in July, 1876; and that the national disgrace and long-continued business depression involved in the repeal of the Resumption Act belonged, not to him nor to the Democratic party, but to that other party, which, though in power, had named only a day for resumption, and had then wantonly and ignorantly refused to make any preparation to meet that day. In reluctantly assenting to the repeal of the date of resumption, he did, therefore, but recognize and bow to that inevitable necessity for which his opponents only were responsible. This would all have been perfectly true and thoroughly tenable. But this position Governor Tilden did not take. To the thorough believer in hard currency his letter was at once most entertaining and most reassuring reading. It was so,

however, from the fact that it contained a body of most admirable doctrine at great length, and yet the writer never once distinctly said what he meant. In this respect his utterances were the exact counterpart to those of Governor Hayes. He showed by what he said that he understood his subject, and by what he did not say that he fully appreciated the difficult circumstances by which the end he had in view was surrounded. Accordingly he preached contraction at great length, and never once named it; he strongly advocated resumption, but denied that it was necessary to fix any day for it. He quietly ignored his own record on the act of January, 1875, and, while he certainly did not greatly conciliate the inflation and paper-money element of the West, he succeeded in alienating a very considerable portion of the hard-money sentiment of the East.

Notwithstanding all this, however, it would be very difficult for any well-informed man to read Governor Tilden's letter of acceptance, or his earlier official utterances on the subject of the currency, without being satisfied that he is thoroughly master of it. He is by nature a financier, and a strong one. Unless the record of his life belies him, it is not unsafe to predict that if elected President he will practically be his own Secretary of the Treasury, and a successful return to specie payments will be the one great aim and monument of his administration. There is, also, another side to this question worthy of the careful consideration of those who believe that a return to specie payments is the one thing now needful to an early and complete restoration of national prosperity. The great obstacles in the way of that result have hitherto been an utter lukewarmness on the part of the Republican party and the dead opposition of the Democrats. To bring the thing about, therefore, not only has the Democratic opposition got to be neutralized, but a real life must be infused into the Republican support. If it did nothing else, the election of Tilden would spike the whole inflationist battery; for, through him, the friends of a sound currency could and would take possession of the Democratic organization, and through its agency could spur the Republicans up to something remotely resembling a fulfilment of their pledges. For the last eight

years each party on this subject has tried to make its record as little objectionable as possible to the paper-money element, — the Democrats promising everything that was bad, and the Republicans doing nothing that was good. It is very hard to see how matters in this respect would be bettered by Governor Hayes's election. He, certainly, by himself and through his Secretary, could do no more than has been done by President Grant and Secretary Bristow. He would apparently meet in Congress the same negative support and the same positive opposition. The presence of a hard-money Democrat in the Presidential chair would, however, at once destroy this equilibrium of forces. Unless a Republican opposition was utterly wanting to every pledge, it would have to oppose any specie-resumption measures proposed by President Tilden on the ground, not that they went too far, but that they did not go far enough. This would at once change the character of the struggle. The bidding would tend upwards instead of downwards. Then at last something might be hoped for.

The currency question is, however, one comparatively easy of solution. The country has been through that experience many times before, and, like certain forms of physical disease, it is disfiguring, weakening, and painful, but it never kills; somehow or other we always struggled through before, and we shall do so now. The civil-service issue is, however, quite another matter. That, as an attempt will presently be made to show, is unsettling the very foundations of the government, and on that the position of Governor Tilden and his supporters is far from an ideal one. Governor Tilden, it is true, has sought especially to identify himself with the popular demand for administrative reform, and to-day in the public mind he personifies it to a very considerable extent. Nevertheless, what reason is there to suppose that Governor Tilden even knows what administrative reform is? Does he not confound it with thief-catching and ring-smashing? These are, it is true, very admirable occupations in their way, and that Governor Tilden has achieved remarkable results in them will be denied by no one who will take the trouble to read the article entitled "An Episode in Municipal Government" in the present number of this Review. Nevertheless, though the

requirements and consequent usages of the last few years have carried us very far in that direction, it may yet be questioned whether the qualities of a chief of police are exactly the qualities which would be most strongly developed in an ideal President of the United States. It cannot be too freshly borne in mind that a reform of the civil service to be worth anything means a return to the earlier and better usages of the Republic, — to the system in vogue before Andrew Jackson debauched it, — to the time when the word "patronage" conveyed no idea of plunder, and men held office under the government in the same way they now hold it in banks or insurance companies. Does Governor Tilden, when he talks of administrative reform, mean this? Does the party behind him mean it? Are they really prepared to cut down and eradicate, root and branch, the atrocious spoils system originated by their great idol, President Jackson? Or, instead of this, does Governor Tilden mean a vigorous system of thief-catching and ring-smashing under and supplementary to the spoils system? That he should mean a thorough, radical, genuine reform seems scarcely possible; and it is ludicrously evident that his associate on the ticket, Governor Hendricks, means nothing of the sort. That gentleman is perfectly willing to talk of civil-service reform, but he premises that, before entering upon it, "no man shall be retained [in office], on any consideration, ... who has furnished money to corrupt the elections." As this convenient test would, under the present system, notoriously cover all existing office-holders who have been "assessed," — and who among them has not been? — one more "clean sweep" appears to be in Governor Hendricks's mind a necessary preliminary to the work of reform; which seems to be very much the system which President Jackson inaugurated.

In attempting to forecast his probable action on this subject, it cannot be forgotten that Governor Tilden has passed his life in the most thoroughly corrupt political atmosphere in the New World; that he is a Democrat dyed in the wool, and that, since the days of its origin, no one good or honest thought or act respecting the civil service has ever come out of the Democratic party. To reward partisans, and to catch them if they stole,

has been the highest level as respects the use of public office to which that organization has ever risen. Is there any good ground on which to rest a confident belief that either party or candidate has now at last risen to a higher level than this?

It is, however, the very doubt, or rather the absence of all doubt on this point, which brings the reflecting Independent Voter to the very heart of the issue in the present canvass. As respects a radical reform of the civil service, there is no ground to hope that the question is yet ripe for solution, and matters must apparently be a great deal worse before they can be materially better. In what respect are the Republicans better than the Democrats? True, they did not introduce the vile system, but they were apt pupils; nor has the country witnessed a greedier or more disgusting scramble for office than took place when the "party of reform" came into power in 1861. Since then they have only not completely sacked their own camp. The truth is, neither party is in the least degree sound on this question; nor have the party leaders on either side the slightest intention of making thorough work of it. The country is not educated up to it, and does not yet demand it; and until it is educated up to it, and does demand it, the thing will not be done. Under these circumstances, the very worst which could happen would be just such a half-way measure of reform as Governor Hayes might, by his utmost effort, succeed in exacting from an unwilling party,— that wretched degree of reform which just neutralizes action by making a radically bad system externally endurable.

It was Horace Mann who one day exclaimed, in despair over the slowness of the educational movement, "The fact is that I am in a hurry, and God Almighty is n't!" The great difficulty with the civil-service reformers is, that they have been and still are in such a pressing hurry. Governor Hayes, for instance, in his letter of acceptance, contemplates curing a disease of fifty years' growth, imbedded all through our political system and woven into its every fibre, in a single term of four years. In the same spirit, Mr. Schurz confidently predicts, in the event of the election of Governor Hayes, "the employment in the government service of not one more party agent; the abolition of the spoils system; opposition to these reforms on

the part of the spoils politicians in Congress; the overthrow of this opposition at the next Congressional elections." In Mr. Schurz's judgment, therefore, one half of President Hayes's single term will suffice for the whole work. Of course, if these two gentlemen do not underrate the magnitude of the task, there is nothing more to be said on the subject. It is a comparatively trifling work, and will be accomplished in a short space of time. If, however, the evil is of that portentous magnitude which others equally qualified to form an opinion have supposed, if it is, indeed, sapping the foundations of the government, then two things may safely be predicted of its cure: first, that it will not be effected in any one Presidential term; and, secondly, that it will be the work of a party specially organized to do it, and not of a party formed to do other work and which assumes this one merely because its so doing may induce a half-in-earnest country to retain it in power.

In America almost every one, even reflecting men, seems to suppose that nothing can be done except by a party in power; that the opposition has no functions to perform, can exercise no influence in the grand result. Accordingly, the advocate of administrative reform is now told that he must vote for Governor Hayes, because he is committed to it; and he must vote against Governor Tilden, because he has no conception of it. Admitting the premises, the conclusion is very far from following. Let everything that can be said against Governor Tilden and the Democratic party, with their record, and in favor of Governor Hayes and the Republican party, with its "tendencies" and "impulses," be conceded for the sake of argument; let it be acknowledged that the success of the former in the pending election would be followed by a "clean sweep" and a revolting scramble for office, ending in a carnival of jobbery and corruption; let it be further conceded, though in the face of all experience, that the "tendency" of the Republican party is to reform, and that from those acting with that party only can reform ultimately be hoped for, — though all this be conceded, yet none the less the genuine, patient, thorough-going civil-service reformer would, in the present campaign, have good cause to cast his vote for Tilden. Before doing so he would probably argue thus. This question is one

of necessarily slow solution. It goes back in its history to the beginning. It involves the whole subtle question of the allocation of powers under the Constitution,— a question infinitely better understood eighty years ago than now. The present phase of the issue itself originated more than half a century ago. Briefly stated, the difficulty is, that a strong President then perverted the entire patronage of the government into a mass of plunder, with which to reward his partisans; since then, still regarding it as plunder, the legislative has usurped the executive patronage out of the hands of weak Presidents, and, accordingly, we now have the legislative dispensing, as its own, the plunder of the executive. Any real measure of reform, therefore, involves, in the first place, a long and doubtful struggle between the executive and the legislative, in which the former will seek to recover the power which legitimately belongs to it, and of which it has been deprived. A collision between the executive and the Senate will be the first stage of the struggle, and to overcome an oligarchy like the Senate will require a vigorous executive. We are now electing a President, not for life, but for the short term of four years, and deciding merely whether the Republican or Democratic party shall, during that time, control the executive department. During the last eight years the Republican party has been, with the exception of two years only, in absolute control of every department of the government. They went into it with the fairest professions in regard to the civil service, every one of which they have treated with contempt and ridicule. They have not even made a pretence of regarding them. And yet, notwithstanding all this, in that party, and in that party only, are found those active elements through which a thorough administrative reform can be brought about. The difficulty, however, is an obvious one. The party has never, on this subject, passed through that preliminary hardening and solidifying of opinion which is gained only in opposition. No party organized for other ends ever did, or ever will, accomplish any considerable new work until, educated up to it in opposition, it goes back into power prepared and pledged to accomplish it. Certain necessary preliminary stages have to be passed through. In keeping the Republican party in power, therefore, the friends

of civil-service reform, in so far as they have contributed to that result, have simply, after the manner of men, been good-natured, credulous, and impatient; they have magnified each four years into an eternity. After all, the longest way round may, in this case also, prove the shortest way home. There are limits to good-nature as well as to human patience, and men who are really in earnest do not like to be nourished too long on a somewhat insipid diet of "tendencies" and "impulses." It has sufficed for eight years, but before the end of twelve it may chance to grow monotonous. A wholesome defeat, followed by four years of life in opposition, might have a quickening tendency; it might ripen "tendencies" into intentions, and "impulses" into action, and promises into performance. Judging by experience, it is very certain nothing else will.

The remedy, then, is a simple one. Remembering the broken promises of 1868 and of 1872, the would-be "party of reform" must be held to an absolute and unrelenting responsibility for them, and must go out of power, no matter who comes in. During the next four years it can be of far more service in opposition than in office; and, even if the corruption and abuses of the coming four years exceed those of the last four, — a most improbable contingency, by the way, — it will but convince the people of the absolute necessity of reform and render the return to power of the reorganized Republican party a certainty of the future. After all, four years is, at most, a somewhat brief period of probation. In the case of the Democrats, sixteen have failed, as yet, to bring forth works meet for repentance. And, arguing thus, who could blame any determined civil-service reformer if he cast his vote for Governor Tilden, even though in so doing he voted also for Governor Hendricks?

Nor is this the whole argument in the case, nor, indeed, the strongest side of it. It must ever be borne in mind that the greatest present danger to be apprehended from the corrupt civil service arises, not from the fact of the spoils system, or the scandal of rotation in office, but from the utter subversion already suggested of a fundamental principle of our government, through the usurpation by the members of the Senate of

the appointing power of the President. In plain language, therefore, as a necessary preliminary to any effective measure of civil-service reform, the Senate has got to be compelled to surrender back to the executive its usurped powers. This it requires no very deep insight to know that body will never willingly do. Governor Hayes must have clearly foreseen the direct issue he was making when he said, in his letter of acceptance, that the control of the appointing power by members of Congress was an abuse which "ought to be abolished. The reform should be thorough, radical, and complete. . . . . If [I am] elected . . . . all constitutional powers vested in the executive will be employed to establish this reform."

In writing those words, could the Republican candidate for the Presidency have fully appreciated the nature of the struggle he was challenging? If so, how was it possible that he should have supposed that a single Presidential term would suffice for the work? The Republican party controls the Senate. That body is, indeed, the cerebral centre of what is best described as the Republican "machine." No matter who is elected President, the Senate will remain Republican. When President Hayes lays an exclusive hand on the patronage, he will lay a heavy, hostile hand on the whole famous "Senatorial group," and from that moment he divides his own camp, and exposes himself naked to his enemies. With Governor Tilden as President the case would be wholly different. In a struggle with an opposition Senate he would be backed to the bitter end by his whole party strength, and in all probability by the country too; for the Senate is not a popular body. As Jackson, supported by the House, broke it down once, Tilden might hope to do it again. The real friend of civil-service reform might well, therefore, be content to devote the next four years to the work of reducing, through the action of a Democratic President and House of Representatives, the Senate to its proper constitutional functions. The further work of reform might then be quietly and safely postponed to a later period. One thing at a time is enough, so that thing be done.

Against this it is usually argued that it will not be safe to trust the Democratic party in office, even for the brief term of

four years, in view of the possible mischief it might accomplish in that time. The deprivation of the blacks of all civil rights, the payment of the rebel war debts, the pensioning of Confederate officers and soldiers, and numerous other similar visions of terror, are conjured up. With an argument of this character it is almost humiliating to be called upon to deal. Again, the existence and obstructive power of an organized opposition, this time controlling the Senate, is ignored; and that, too, by the leaders of a party which, in complete control of the government in its every department, through six years out of eight, piteously claims that its utter failure during all that time to fulfil any of its pledges was due to the presence of a contemptible minority. Experience is, however, after all, the best of guides, and experience is not without its lights on this subject. The "ins" always do, and always have, unanimously averred, with a fervor which can only spring from heartfelt conviction, that the incoming of the "outs" will be shortly followed by the final crack of doom. A good many credulous people, from force of habit chiefly, can always be relied on, also, timorously to accept this view of the subject. Two years ago it was nervously argued by the party leaders, in the same spirit, that the country could not be so rash as to elect a Democratic House of Representatives; to trust, etc., etc. Yet, looking over the field, and judging by the record, no truly Independent Voter could probably now be found who would not admit that the existence of an opposition majority in one branch of Congress has been, during the last year, a piece of national good fortune; and, also, that the record of that opposition body will, as a whole, compare more than favorably with the records of either the Republican Senate or the Republican executive. No party, however, ever enjoys an exclusive possession of all the political virtue and intelligence of the country; and, as a rule, where parties are at all equally divided, they enjoy these desirable qualities in about an equal degree. In the present case, in spite of the alarming irruption at the front of individuals of a class designated by Judge E. R. Hoar as "bummers," there is undoubtedly some reason to suppose that the Republican organization, under the strong impulse of its great start, does still contain somewhat more than its relative

share of the better elements of our political life. The triumphant nomination of men of so low a political type as General B. F. Butler and his like, in some of the most intelligent of the Congressional districts of Massachusetts does, it is true, make the assertion either a little ludicrous or very melancholy; but none the less it is probably true. And yet, practically, what does the difference amount to? During the last eight years not a few States, North as well as South, have been under Democratic rule. What evidence is there that they have been worse governed than their Republican sisters? Governor Gaston administered the affairs of Massachusetts quite as satisfactorily as either his Republican predecessor or successor. So Governor Tilden has administered those of New York, and Governor Hendricks those of Indiana, not less creditably, so far as the world knows, than Governor Hayes did those of Ohio. The United States government has of late years passed through some very considerable political trials, and, remembering them, it surely cannot be classed as an act of rashness to venture the prediction that in these piping times of peace its perpetuity will not be greatly endangered by four years of Democratic ascendency. A sufficiently vigorous opposition, in control of the Senate, may at least save our institutions from any absolutely irreparable injury until the people can, two years hence, again come to the rescue. No! There are abundance of good arguments ready at hand to justify any intelligent man in voting for Governor Hayes, but this shambling appeal to the absolute wickedness of the other side is not one of them.

It is clear, then, from what has been said, that the interests of the Independent reformers are not, in the long run, the interests of the party organizations. It is clear that the reformers cannot honestly join either party organization except to obtain a special and temporary purpose. It is clear that they must pass from one organization to the other according as one or the other offers the best chance for obtaining reform. And it is clear that there are points of the most weight in the eyes of reformers in respect to which they have no choice but to struggle, as best they can, against the weight of both party organizations combined.

Let us then attempt to state as simply and distinctly as pos-

sible the reform platform. And since the reform here intended means, not currency reform, not revenue reform, not administrative reform, but all these only so far as they tend to result in political reform; since the common ground on which all honest men can meet is not that of restoring a sound basis to exchanges, or freedom to commerce, or decency to the executive, but that of purifying the political system and correcting the vices of political practice, — it is inevitable that reformers who mean to work together for any practical object and with any but visionary hopes of success should lay aside their peculiar hobbies and abstain from insisting upon individual theories. The field of reform is in itself so vast, and the hopes of reformers are so faint, that the least they undertake is likely to be beyond their force.

The single great end to which all reformers, whatever their private theories may be, must look is distinct enough; it is to overcome the tendency of our political system to corruption. All political systems, no doubt, have some tendency, greater or less, towards corruption. The peculiarity of ours is that it moves, and for fifty years has moved, in that direction with accelerating pace, and it has now arrived at a point where even the blindest patriots see that, unless the evil is checked, our political system must break down and some new experiment must be substituted in its place. The ground, therefore, and the only ground on which all honest men can unite and insist with one voice upon reform, is that of resistance to the corruptions of our political system.

These corruptions are the growth of the last fifty years. Previous to that time there were no doubt numerous cases of legislative and official dishonesty, some of which were fully as disgusting as any of the "carpet-bag" revelations. But there was no systematized political corruption, none that was more serious than the ordinary frailty of human beings, until about fifty years ago the present system of party organization, bred in the gutter of New York politics, was adopted by the entire nation. These party organizations, growing up outside the Constitution, wielding a power never dreamed of by the framers of the Constitution, began by assuming as their own property the patronage of the national as well as the state and municipal

governments. Fortified and consolidated by this great and rapidly increasing source of pecuniary and political power, these organizations have steadily proceeded to other and even more corrupting acquisitions, until at length there is in the entire range of national, state, and municipal politics, with few exceptions, no considerable interest dependent upon legislation which does not pay or has not paid its tax to the support of a party organization; and, what is the most fatal of all symptoms, there are few interests engaged in secret evasions or violations of the law, robbing the public treasury and making private honesty impossible, which have not, as a condition of their existence, been made to contribute to the same political system. From such a state of things no result is possible except destruction, because it can generate nothing but corruption.

The problem of reform is then to devise such a system of measures as shall if possible cut up these evils by the roots. These measures, however, in order to stand even a remote chance of success, must be perfectly practical and not too far in advance of public opinion and public prejudice.

It is obvious at a glance that currency reform, or return to specie payments, is not so closely connected with this issue as some other measures. A debased and fluctuating currency is rather a social than a political evil. Party organizations may indeed at some future day find means here too of drawing nutriment from treasury issues, but as yet it is the individual and not the party which looks to profit from that source. Yet it is undoubtedly true that whatever tends to shake the foundations of public morals, tends also and very strongly to increase the power of party organizations. The reformer, however, requires a return to specie payments most of all because until the public can be brought to acknowledge principles of common honesty, there is not the shadow of a hope that it can be persuaded to grapple with points of political expediency.

Next to the question of returning to specie payments, nothing has more keenly seized on public attention than the contests of the Treasury Department under Secretary Bristow with the Whiskey Ring. These were in fact contests of the national government with creatures of its own creation. The strength of the Whiskey Ring consisted in the extent to which it had

succeeded in identifying its interests with those of the party organizations. It is idle to suppose that mere administrative reform can effectively deal with this evil. Administrative reform can do much. A careful and thorough revision of the revenue laws, diminishing the inducement offered to dishonest evasion and distributing the taxes over objects which can neither be concealed nor are matters of discretion, will do more. But the utmost skill of administration, and the utmost care in framing the laws, will at best cut off only one source of party support. It is true that this source is the most scandalous and the vilest; but, if reform is to be limited to this result, it will be a reform of the slightest kind. If our modern statesmen stop here, they are mere mountebanks. The evil will revive with the next turn of the political wheel.

Tariff reform is of the same nature. It is a matter of course that every true reformer must require a return to specie payments, a revision of the internal-revenue laws, and a revision of the tariff, from any administration that claims his support. An entire abandonment of the theory of protection is essential to the purification of politics. Nor is it a matter of much consequence whether individual reformers accept or reject this article of their creed. If one part of the old system goes, all must go, and the reform movement will either be fruitless or it will carry out its principles to the end.

All these measures of reform, necessary as they are, attack merely the outposts of corruption. They would, if successful, considerably reduce the resources of the political organizations; but when it is considered how infinite the ramifications of these party supplies are, and how extraordinary the skill with which new sources are constantly developed, it is ridiculous to suppose that these measures, even if adopted to their utmost extent, would offer any permanent cure for the radical evils of our political system.

No serious impression can ever be made on those evils until they are attacked at their source; not until the nation is ready to go back to the early practice of the government and to restore to the constitutional organs those powers which have been torn from them by the party organizations for purposes of party aggrandizement. The fabric of party must be reduced

to a size that corresponds with its proper functions. The relation between the party system and the constitutional system must be reversed.

The peculiar difficulty, the almost desperate character of this reform, arises not so much from the intrinsic strength of the parties whose wealth and power are to be attacked, as from the extent to which they have twisted their roots round and among the organs of the Constitution itself. Fortune or popular feeling may perhaps rescue the executive from their grasp. Not impossibly the more popular branch of Congress may follow the executive in abandoning such hold as it has on the patronage of the government. But the case is much more serious with the Senate. That body, if it had been created for the purpose, could not have been more ingeniously constructed to serve as the fortress of party organization and the focus of party intrigue. Such it has been from the earliest days of the Republic; such it must be until that government is in its grave. The long tenure of the senatorial office; the small number of Senators; their peculiar importance as the constitutional advisers of the executive in many cases where their advice is equivalent to command; their constitutional right to a share in the appointing power; their inevitable position, a consequence of their peculiar power, as heads of the party organizations in their own States; and the equally inevitable consequence of bringing together in one small body the principal heads of the local party organizations, — all combine to make the Senate an almost if not quite irresistible agent of political corruption.

To wring from the grasp of the Senate its established control over the national patronage implies a struggle between the Senate and the executive which may well shake our political system to its centre. It is this struggle to which all the clearest and coolest heads in the country have looked forward as the next great political issue since the close of the Rebellion. It is this struggle which our last President shrank from and which our next President must inevitably face.

The simplest form in which the least possible demands of reform can for the time be met and satisfied is that of a law enacting that all officers, except heads of department and their assistant secretaries, and such as may be specially provided

for by the Constitution, shall hold their appointments during good behavior. That such a law would be within the constitutional powers of the legislature may be considered as established by the Tenure-of-Office Act. Objection on this score could have little weight. The only questions that would seriously interest reformers are whether such a law would be commensurate with the evil; whether its provisions could be enforced without evasion; whether it might not end in still further disorganizing the government by giving to officials the unlimited right to intrigue against the President, at the very moment it deprived the President of the power to protect his own administration by enforcing necessary discipline; whether, in short, it is possible to adopt such a law without enacting also that any interference, direct or indirect, by any office-holder in the management of party politics, or any attempt on his part, direct or indirect, to control elections, shall be deemed a violation of good behavior, and when proved to the satisfaction of the President, it shall be the President's duty to remove such official from office.

The propriety of such a law is perfectly recognized by every man who has watched the atrocities of the last four years, and the cynical contempt with which office-holders, in open control of a corrupt and venal party organization, have laughed in the face of every decent remonstrant, and throttled every honest political opinion within their party lines. The case may not be improved by encouraging them to defy the President also. The time, it is to be hoped, will come when conduct such as is now the rule among the servants of the people will be punished with some sharper penalty than removal from office; but so long as the American public crouches, in a sort of good-natured ignorance of its dignity, under acts of its officials which even in France would rouse forcible resistance, the utmost that reformers can hope is to obtain a recognition of the simplest principle, without insisting upon what is as yet unattainable.

This series of great measures implies, under the most favorable circumstances, many years of incessant struggle, and probably more than one serious political crisis. And even after all these measures have been adopted, if adoption is possible, there remains still a greater mass of corruption at the

bottom of our political system than has ever been known in the party organizations of other constitutional governments. No national legislation can deprive parties of the absolute control of state governments, state patronage, and state legislation in party interests. No political wisdom has yet even suggested a satisfactory solution of the difficulties of municipal government; and so long as there are ignorant and vicious multitudes, so long there will be Tweeds and Sweenys to organize and manage the political machinery of the caucus and the convention. No professional skill can so frame legislation as to exclude the possibility of profitable fraud; and so long as there is money to corrupt, there will be parties to hide the corruption and to receive their reward. The struggle is to be one, not of our own day, but for an indefinite future, and the utmost that can now be hoped is not to destroy, but only to make head against, the political disease; not to expel it from the system, but to drive it from the national government back to its strongholds in the States and municipalities.

If the supremacy of party organizations is to remain unshaken, it matters comparatively little which of the two great parties is to conduct the government. Both are founded upon the same system, and both must lead to the same results. The hopes of reform lie entirely with the Independent voters and thinkers. One by one the great organs of public opinion have assumed the Independent position. One by one the honester and abler leaders of thought have followed and are following the same irresistible tendency. On this steady growth of Independent opinion the hopes of reformers are built, not on the momentary triumph of any party or of any party leader. And whichever party may in the impending election be elevated to power will command the active support of Independents precisely in that extent to which it shall initiate and honestly support the reforms here set forth.

Whether the Republicans or the Democrats succeed in electing their candidates, it is evident already that whoever is inaugurated President in March, 1877, will enter upon the duties of his office pledged to measures of reform. Then will come the time of trial, and just so long as the next President, be his name Hayes or Tilden, be he Democrat or be he Re-

publican, respects his pledges, and honestly tries to make them good, so long will he be entitled to the uncompromising and earnest support of every honest Independent Voter. If Governor Hayes should be elected, there is reason to hope that Mr. Schurz may represent the Independent reform element in his Cabinet, side by side, perhaps, with Bristow, Evarts, or Curtis. In such an event it will surely be remembered that Mr. Schurz is the natural leader of the Independent Voters; that he, more than any other man in the country, personifies that which they wish to see introduced into politics; that he is the spear-head to which they are but a shaft. Nor is his constituency likely to fail him. It is not unsafe to say that, if President Hayes summons Mr. Schurz to be of the number of his advisers, every member of the Fifth Avenue conference, whether he voted for Hayes or for Tilden, or stayed at home, will give his administration an earnest and unqualified support as long as Mr. Schurz remains in it. His record is evidence that he would not long remain in it when the promises of 1876 had begun to prove as barren of results as those of 1872. On the other hand, if Governor Tilden is elected, it is probable that he, too, will summon to his councils some representative man like Mr. Wells or Mr. Godwin or Mr. Sherman, and, in that case, while he abides by his professions, no one who knows Mr. Schurz can for a moment doubt that he will yield him a cordial and loyal support. It is hereafter — when the election, with its fair words, is over, and the administration, with its hard acts, is begun — that the real struggle is to take place, and the Independent intelligence of the country must make itself politically felt.

Art. VI. — CRITICAL NOTICES.

1. — *Transcendentalism in New England. A History.* By Octavius Brooks Frothingham. New York: G. P. Putnam's Sons. 1876.

Mr. Frothingham deals, in this book, with an interesting subject, which he is well fitted, both by circumstances and by personal qualities, to discuss; and he has made what is, on the whole, an interesting volume. Perhaps no one would write a book if he did not somewhat overrate the relative importance of his subject, and Mr. Frothingham is not free from this general accusation. Transcendentalism, to adopt that term as descriptive of certain intellectual, social, and moral processes which occurred between the years 1830 and 1850, had a purely local character. Boston and its immediate neighborhood, and a few scattered persons who, wherever they chanced to have been born, were essentially Bostonian in their type, really made up the kingdom ruled by Transcendentalism. There it had its full influence, and there it disappeared as a separate organism, leaving its particles, perhaps, like other organisms, mixed with and modifying what has succeeded to it. All growths require a suitable soil, and the humus was prepared in Boston. The plant seemed to spread wide, but its root was there. The place that knew it knows it no longer; the air that seemed full of the rumor of it echoes to quite other sounds, and — most critical test — its leaders have outlived it.

We do not agree with Mr. Frothingham in his (apparent) belief that Transcendentalism will reappear, except so far as it represents a part of the eternal fluctuation of human thought. It has had its glowing sunrise, and what represented its practical noon, and now it is well that its history should be written by so appreciative an historian. The time when Plancus was Consul seems potent and vivid to each of us, and a disciple might apply to Transcendentalism what Coleridge says of the early dawn of the French Revolution: —

> "Bliss was it in that hour to be alive,
> But to be young was very ecstasy."

So much for sympathetic appreciation of the author's attitude of mind, while we differ with most of his estimates, personal and general. The book begins with notices of the men who originated or developed "the Transcendental idea"; sketches and illustrates the opinions of German, French, and English metaphysicians; describes the advent

and influence of their ideas in New England; the rise of Transcendentalism here; the men who were its most marked exponents; the experiment of Brook Farm; and closes with a sermon preached by Mr. R. W. Emerson to his congregation in 1832.

The notices of Kant, Fichte, Jacobi, and Novalis, Schelling, and Schleiermacher, are clear and to the point; that of Fichte particularly good; and at a time like this, when the current of opinion sets so strongly in a certain direction, it is interesting to observe the similar or unlike tendencies which have held and yielded a chief place in men's minds. Few things are more striking in such a bird's-eye view of the history of opinion than to see how ignorant and panic-struck is much of the noisy opposition to the later prophets; how compatible, and even correlative, are the best of the old and the newest of the present; and how well the same person may hold with the Kritik, and also be in full communion with Darwin. The primitive instinct of self-defence seemsmis applied when it leads us to intrench ourselves in opinions as in a fort, to be held against all comers; but perhaps the survival of the fittest applied to ideas must needs be wrought out, not exactly by "nature red in tooth and claw," but by the "*odium theologicum*," which, like Lord Bacon, "takes all knowledge to be its province."

Very good things are to be culled from Mr. Frothingham's excerpts. Hegel's description of Jacobi might have been written for many a living disciple: "Jacobi resembled a solitary thinker, who in his life's morning finds an ancient riddle, hewn in the primeval rock; he believes that the riddle contains a truth, but he strives in vain to discover it. The day long he carries it about with him; entices weighty suggestions from it, displays it in shapes of teaching and imagery that fascinate listeners, inspiring noblest wishes and anticipations; but the interpretation eludes him, and at evening he lays him down in the hope that a celestial dream or the next morning's waking will make articulate the word he longs for and has believed in."

One is also struck with the airy metaphysical pinnacles and the delicate verbal precision of the more abstract discussion of those days, compared with the modern philosopher, who presents himself with facts huddling in multitudes behind him, like the flocks and herds of the Patriarchs, and as convenient an implement of exchange. What can be a better phrase than Kant's of "the veracity of consciousness," or a more delicately stated result of the closely tracked processes of thought than where he describes a certain condition of the consciousness as "a faint mark made by the compressing chain of logic"?

Mr. Frothingham considers Coleridge the first of Transcendentalists

in England, and certainly Coleridge made some of its phraseology familiar; but splendid as were some of Coleridge's powers, it is difficult to consider seriously a philosophy which he applied as fresh support and intrinsic abstract justification of the windings of Patristic theology, both to the traditional formulas and the patchwork rubric of the English Church. Coleridge's charm and power lay in the poetical glow and shimmer which he flung upon the common theology of his creed. This won to him many who would fain build anew the old temples, while his philosophical technics and poetic vagueness attracted those who were seeking new things. It is as a poet that Coleridge will be remembered. "Christabel" and the "Ancient Mariner" will be visible on that short roll held by Time, when his triangles and technics and cloudy philosophy have vanished utterly.

We think Mr. Frothingham's claim of Wordsworth as a Transcendentalist not well founded. The relation of external nature to the mind of man was the message Wordsworth had to deliver; and in magnificent blank verse, in lovely lyrics, in description of admirable fidelity, and — *pace amantis* — in much dulness he repeated in every note in the compass of his voice the word that was given him to say. With a word of protest as to Mr. Carlyle's later theories, Mr. Frothingham comes to the true subject-matter of his book; and here we must join issue with him as to the pedigree which he traces for what he calls New England Transcendentalism. It resembles a little — *con rispetto parlando* — the pedigrees traced for themselves by imaginative Americans; quite correct at the European end and equally accurate in America, but with a lamentable hiatus just about where the Atlantic Ocean occurs. The Transcendental philosophy as postulated by Kant, and emended, altered, or illustrated by his followers, was one thing; and what was called such in Boston, quite another. The philosopher of Königsberg excogitated a scheme which had perhaps a solvent action on much that was held immutable; but as long as he lived he smoked the pipe of peace in the midst of existing conditions. Here, on the contrary, the essence of Transcendentalism and indeed its best *raison d'être* was protest against whatever was the custom. As there seems to be in the minds of our rulers an American multiplication-table and an American standard of honor, so there was certainly a New England Transcendentalism which called no man master. Transcendentalists here renounced allegiance to the Constitution, continuing the practice of law; went through a process when they bought a piece of land which they called "releasing it from human ownership"; sought conspicuous solitudes; looked out of windows and said, "I am raining"; clad

themselves in strange garments; courted oppression; and were, in short, unutterably funny. We remember "jesting Pilate," and we know how true reformers smile superior to flippant wit, but it is a sore loss that among the chroniclers of that time none whose "record" has as yet "leapt to light" had apparently any sense of humor. If a sudden sense of incongruity is one of the sources of humorous enjoyment, nothing could be more delightful than some of the youths who wound their neckcloths loosely, did what they could with their frock-coats as tunics, and pondered on the True and the Beautiful.

Although, as Mr. Frothingham truly says, Mr. Emerson was never a Transcendentalist *pur et simple*, yet his withdrawal from the ministry in consequence of changes in his early opinions, his always liberal reception of new views, to which he gave "ample room and verge enough" for them to justify themselves if it were possible, his tolerance of everything but intolerance, the personal affection which he inspired, and, above all, his genius, made him so shining a leader that the Transcendentalists claimed and gathered round him.

Mr. Emerson, however, has followed always what may be called the natural method. He has endeavored to cast out evil with good; to scatter darkness with light; and instead of throwing his handful of seed in the faces of all men, he has let it float quietly down the wind to the place prepared for it. Having eyes, Mr. Emerson has seen that there are two sides to many disputed subjects; that the kernel of a conventionality is often only a truth so old that it has ceased to be discussed; and (to speak as one of the world's people) he has not wasted his powder on such opponents. Mr. Ruskin soothes his soul by calling a gentleman whom he suspects of differing with him "Human son of Holothurian Harries!" Mr. Emerson has needed no such anodynes, and he is naturally the only so-called Transcendentalist whose influence is wider now than it was forty years ago. It is the old fable; the blasts of contumely turned on those who believed in the Present and the Past as its nursing mother only made them hug their traditions the closer, while the *lumen siccum* melted away many a rigid envelope.

Brook Farm — the endeavor to form a better society by eliminating all known principles of cohesion — was the lawful outcome of Transcendentalism as known here. Its story seems, as one reads, almost impossible to believe. "It was felt at this time, 1842, that in order to live a religious and moral life in sincerity, it was necessary to leave the world of institutions and to reconstruct the social order from new beginnings," is Mr. Frothingham's statement; and in consequence of this feeling a number of intelligent, educated people

undertook in absolute sincerity to found a community whose members were free to work or free to be idle, as seemed good to them; where support for life was guaranteed to all; where all kinds of work were held equally valuable and paid at the same rate; where Mr. Hawthorne and Mr. Ripley utilized their special gifts by digging potatoes and carting manure; where the well-known cook, who joined the community "for the sake of intellectual conversation," left the washing of dishes and the scouring of floors to highly educated ladies, who believed they were thus "grinding down the gaps in the sword of eternal justice." Certainly it was what De Tocqueville calls *une naïveté ravissante.*

For a while the eager disinterestedness of a few held the scheme together in spite of the permitted selfishness of the many, and then the end came. Mr. Frothingham says "the intention was defeated by circumstances"; and certainly the constitution of human nature and the laws of industrial action are important circumstances, and in no world except one where pyramids habitually rest on their apices could Brook Farm have had a continued existence.

Mr. Alcott is entitled the Mystic; and lest in speaking of him we might be held captious and undiscerning, we will refer inquiring minds to Miss Alcott's last book, especially to a story called "Transcendental Wild Oats," which we take to be according to the facts, and where no criticism except that of facts is suggested. Mr. Parker is qualified by Mr. Frothingham as, *par excellence*, the preacher of Transcendentalism. We should except to part of the phrase. Mr. Parker was a liberal theologian, who carried liberal theology to its logical result; a passionate denouncer of his opponents, a fearless commentator on the events of the day, a man who preached instead of fighting out his natural pugnacity. Like other men of his type, he expected at first to enjoy incompatible advantages; and he made the mistake of demanding, as a right, the access to pulpits whose usual occupants and appended congregations were of a different way of thinking, and did not wish to hear him. The courage of his opinions Mr. Parker certainly had; the penalties of his opinions seemed wholly unexpected to him. What Mr. Frothingham says of the charges brought against Fichte is absolutely true of Mr. Parker, with substitution of words: "To *charge* a man with being no Christian, as if the absence of Christianity were guilt, is a folly to be ashamed of; but to *class* a man as unchristian who in no sense acknowledges the authority of Christ, is just while language has meaning."

Mr. Parker's criticism of public men and affairs was valuable

for its boldness, its constant reference to a moral standard, its ideal of loyal citizenship; and for the sake of these qualities, and because of the rarity of criticism which is both bold and able, we are content to condone his fierce personalities and the litany-like recurrence of phrase. Such men do the work of the time, and in the time are greatly considered; but they disappear quickly, and Mr. Parker's reputation will end almost with the death of those who heard his voice. A man of strong tastes and strong will, much of whose logic was assertion, he incarnated some of the tendencies which have been most harmful in America since his death. When we are told that in his categories the intellect stood lowest, and that the rational powers were held subordinate to the instinctive, there seems to pass before us a long procession, headed by the German leading the giraffe evolved from his moral consciousness. We have seen something since Mr. Parker's time of emotional finance and instinctive statesmanship, and we suspect that accurate thinking and careful inference will have their innings again.

Miss Fuller is another of those whom Mr. Frothingham considers a Transcendentalist, as he is inclined to consider all who at that period showed any stirrings of thought (thereby transmitting the loose classification of the time), and he accepts the estimate held of her by her three biographers.

We, also, may seem obliged to accept this estimate. We believe in the gifts and powers of actors and singers, because their contemporaries pronounced them gifted and powerful; how can we disallow abilities which produced such an impression on these three able men? We find it, however, impossible to agree with their opinion; indeed, they furnish themselves the materials for a contrary judgment. No one can read the Memoirs of Miss Fuller without seeing her imperious personality, her exaggerating quality of mind, and her truly stupendous conceit.

None of her writings indicate exceptional powers. "Woman in the Nineteenth Century," claimed by her admirers as the most powerful plea in what they call the great lawsuit, is singularly elementary. It is a collection of stories, legends, symbols, thickly set in fluent rhetorical language; it is full of fanciful analogies, and of what might be called verbal eloquence; but of real insight, of anything like argument, it has nothing. Her unrecorded conversations are greatly praised; indeed, she has especially the good fortune *laudari a laudatis*, but her friends should have burnt her books and trusted to their own beautifying memories.

We have faithfully perused the two volumes of her Memoirs,

and the image presented is of an over-stimulated childhood, an over-estimated youth, and an over-wrought life. An enormous capacity for reading, and for talk about reading, and an egotism which staggers one's belief, are the two marked characteristics of her early days; then followed the not unusual traits of a demand on life for happiness, which life failed to supply; astonishment at the difference between hope and fulfilment; many confidential personal relations, in which the reflection and refraction of an exaggerated personality seemed to people the air with visions; a good deal of work of an unconsecutive kind; a visit to Europe; a long stay in Italy; a secret marriage; and a final catastrophe of shipwreck, which throws its tragic tinge backward on the preceding years; — there is something that is interesting, much that is human, in the story, very little that can be helpful or strengthening.

The last thing in the book is Mr. Emerson's sermon. Mr. Frothingham calls it "epoch-making"; we should call it rather *epoch-marking.* Would that it had inaugurated an epoch in theological writing of similar serenity and clearness in statement, and similar cordial respect for those differing in opinion!

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2. — *As to Roger Williams and his Banishment from the Massachusetts Plantation.* By Henry Martyn Dexter, D. D. Boston: Congregational Publishing Society. 1876.

This book is one of those unassuming laborious monographs which have given to modern history its strongest qualities. So well are the general facts of Roger Williams's banishment known, that at first sight it would seem like labor and time misspent to examine them minutely in a quarto volume of one hundred and forty pages. Yet in proportion as the subject is generally known is it also misconceived. The banishment of Williams, with all its attendant circumstances, may not unfairly be taken as a test case of Puritan intolerance. It is a case which exhibits in a striking manner not only how grossly this intolerance has been misrepresented, but also the true nature and real causes of what is familiarly known as Puritan bigotry.

As to Roger Williams, it has become with most persons a matter of settled belief that he was banished from the Massachusetts Colony solely because he was the fearless and far-seeing advocate of religious tolerance, the apostle of "soul liberty," or, in more modern phrase, of liberty of conscience. This wide-spread and firmly rooted belief took a practical shape last winter, when the inhabitants of Sturbridge peti-

tioned the Massachusetts Legislature to remove from their records the sentence of banishment against Williams. This petition was the proximate cause of Mr. Dexter's monograph, by which the author claims to have established for the first time some of the following points, and to have thrown new light on all of them : —

"1. The great *youth* of Roger Williams when he lived in Massachusetts ; and that he was rash and headstrong.

"2. That Massachusetts was then scarcely more than a trading-plantation ; hardly a colony ; not yet a State.

"3. That, lacking prisons for confinement, no course then seemed so feasible for the disposal of incompatible men as dismissal, — which had been done nineteen times before Roger Williams's turn.

"4. That it is an exaggeration to say that the Court took 'arbitrary action' in requiring R. W.'s 'treatise.'

"5. That R. W. never became a freeman of the colony, but did become a house and land holder.

"6. That R. W. was never ordained at Salem until the spring of 1635, instead of, as has always before been stated, during the summer of the previous year.

"7. That R. W. himself undertook to secure a desired result in the State by the machinery of the Church.

"8. That the sending home of the Salem deputies was not in the nature of disfranchisement, and has usually been overstated.

"9. That, strictly, there was no 'Church and State' action involved in R. W.'s final trial.

"10. The first assignment of the genuine date of R. W.'s 'banishment.'

"11. The marked kindness with which R. W. was treated by the Massachusetts men.

"12. The fact that Mr. Williams afterwards justified in nearly, if not quite every point the treatment which he received from Massachusetts.

"13. The facts as to the condition of knowledge, and the popular level of sentiment, of the early days of New England.

"14. The facts as to Witter's case, suggesting 'a wheel within a wheel.'

"15. The real character of many, at least, of the early Quakers in New England, as social and public nuisances of the worst description."

Exhaustive citations from the sources fully sustain Mr. Dexter's claim. As to one only of the points just given do we differ from Mr. Dexter. His second proposition is that Massachusetts was a trading-plantation, the success of which was extremely doubtful. Technically this is of course true ; but in reality the colony was the germ of a Commonwealth, was to be the asylum of English Puritans. The wisdom of John Winthrop and his friends was political, not mercantile ; their actions were those of heroes, not of traders ; their purpose was the foundation of a State, not traffic, and their records are the

records of statesmen, not the ledgers of merchants. The precarious existence of the Colony, not its character as a trading-plantation, is the essence of this part of Mr. Dexter's argument, which acquires a tenfold force if the view that the Colony was really regarded by its founders as an infant State be adopted.

The result of Mr. Dexter's investigations can be easily and briefly stated. Roger Williams was banished from Massachusetts for purely political and perfectly sound reasons, and in his sentence liberty of conscience had no part.

The last few pages of his book Mr. Dexter devotes to a consideration of the intolerance exhibited in the cases of the Quakers and Baptists. He shows that the members of these sects were in the seventeenth century intolerable nuisances and disturbers of the public peace. He further shows that the Puritans were thoroughly justified, politically, in their efforts to suppress these brawling fanatics. Mr. Dexter concedes, as every one must, that hanging the Quakers was unwise; but he observes very rightly, that as in Old England three hundred and sixty Quakers were executed, and over thirteen thousand suffered persecution, while in all New England only four were executed and one hundred and seventy persecuted, the Puritans were, in this instance at least, considerably in advance of their time. Mr. Dexter might also have added that in those days criminals were not looked upon as an oppressed class, to whom it was proper to send nosegays, but were regarded as the enemies of peace and good government, and when their hanging was demanded by law, hung they generally were.

In both Williams's and the Quakers' case the conclusions reached in this monograph coincide substantially with the opinions of our first authority on Puritan history, Dr. Palfrey. The service so well rendered by Mr. Dexter is to have made Dr. Palfrey's position doubly sure. The closely woven arguments of Mr. Dexter are made perfectly unassailable by the mass of evidence carefully collected and skilfully arranged. Yet, after all has been said, it is useless to disguise the fact that in these and other cases religious feelings were deeply mingled with secular ones. A close examination reveals the fact that, in Roger Williams's as in other cases, the Puritans were, as a rule, too wise ever to proceed to extremities without the strongest and best of purely political reasons; but nevertheless a great deal of what would now be called religious intolerance undoubtedly existed in early New England. To attack the Puritans for this is, however, one of the greatest absurdities that can be committed. They were far from being the most intolerant people in the seventeenth century, and yet they

are censured because they did not act according to the views of the nineteenth. To avoid utter injustice, the first step is to appreciate the difference between the liberality of the present day and that of two centuries ago. But the truest defence of the Puritans rests on much firmer and broader grounds. They have been blamed because people have not stopped to consider their real aims and the conditions of their existence, because they have not tried to put themselves in their place. The Puritans acquired their land not merely by royal patent, but by the abandonment of home, of civilization, and of every comfort. In a place so dearly bought they had an inalienable right to do as they pleased, and it pleased them to try a great political experiment. They had entered into the land and possessed it, and there, in the wilderness, they founded a Puritan State, the asylum for men of their race and religion. In their new country it further pleased them to make Church and State one, and they believed that whoever touched one touched the other, and therefore they defended both with all their strength. They did not come to the barren shores of Massachusetts Bay to obtain for every papist, fanatic, and heretic freedom to worship God after his fashion: they sought freedom to worship God after their own fashion. Whoever interfered with them, or threatened the existence of their government by attacks on Church or State, whether it was Charles the First or Roger Williams, they resisted to the uttermost, and, if they had the power, punished the assailant by exile and sometimes by death. By every law of self-preservation, by every law of common-sense, and common prudence, and with all justice in so doing, they acted strongly and well. No doubt their judgment often erred, for they were human and fallible. No doubt they were often harsh and narrow-minded if tried by our standards or by the standard of such contemporaries as Francis Bacon or John Selden. Yet it is folly and weakness to make apologies for them, for they need none. The Puritans of Massachusetts acted according to their best lights, and they acted like wise, brave men. They built up a strong, enduring State, the corner-stone of a great nation. All these men need is the exact and severe justice of history, and sooner or later the judgment of history must become the verdict of mankind.

Mr. Dexter has earned the gratitude of every student of American history by his careful discussion of Puritan intolerance. His carefully collected citations are of great value for the light they shed on the wide subject of Puritan government. He has, moreover, finally disposed of the tradition of Roger Williams's martyrdom for "soul liberty."

4. — *A Study of Hawthorne.* By George Parsons Lathrop. Boston: J. R. Osgood & Co. 1876.

We remember to have read that in some of the ancient churches on the eastern coast of England a special petition was inserted in their litany against the incursions of the Danes. Mr. Lathrop's book may well lead the next man of genius whom New England produces to pray, "From plague, pestilence, and *intuitional* biographers, good Lord, deliver us." Mr. Hawthorne did what he could, by strongly expressed wishes, and by what Mr. Lathrop describes as "vigilant suppression" of early imperfect compositions, to prevent any such book being written; but in vain! Mr. Lathrop writes from "a consciousness of sympathy with the subject," which he considers "a sort of inspiration," and says, "my guide has been intuition." He claims also a peculiar fitness for his work, founded on the fact that he had never even seen Mr. Hawthorne, and, strong in such armor, writes with a detail wholly opposed to Mr. Hawthorne's shy personal reserve, and an exaggeration utterly repugnant to the delicate sense of proportion which was so marked a characteristic of Mr. Hawthorne's writings.

Mr. Lathrop, having begun his book, has neither hesitation nor relenting; he perpetuates (so far as in him lies) every possible coincidence of publicity (see page 123), every scrap of youthful verse, though he owns to the difficulties he finds in his way, "so successful was Hawthorne in his attempt to exterminate" what Mr. Lathrop is determined to preserve. Not satisfied with thwarting the wishes of Mr. Hawthorne, and defying the "natural piety" which leads us to regard the lightest desire of the dead, Mr. Lathrop elaborates so unmercifully and exaggerates so injuriously, that the reader can hardly refrain from pleading in Mr. Hawthorne's behalf, "Good friend, for Jesus' sake, forbear!"

We regret our inability to praise Mr. Lathrop's method any more than to sympathize with his intention. He tells us that "the history of Hawthorne's genius is in some sense a summary of all New England history" (*sic*); that "when Hawthorne came, his utterance was a culmination of two preceding centuries"; and goes on to point out the likeness between Salem and Florence, apropos (as far as we can see) to the equivalency of Hawthorne and Dante! Certainly, as the excellent Fluellen tells us, "There be rivers in Monmouth, and rivers in Macedon," but it is difficult to find greater similarity be-

tween "the flower-crowned city," where the gifts of climate, of race, and of art made life so beautiful that its boisterous politics and its bloody feuds seemed of small account, and the bleak, maritime, Calvinistic town whose *festas* were witch-trials, and where a theocracy far more effective than any Israelitish ruler's kept its grip unloosed for scores of years. Crabbe has described the sort of rigid quiet that reigned in Salem: —

> "It was that which one superior will
> Decrees by making all inferior still,
> Which bids all murmur, all objection, cease,
> And in imperious voice announces — Peace!"

Fundamental granite underlying many good New England qualities, but not much like the turbulent loveliness of Florence!

Mr. Lathrop finds that Hawthorne was a more fortunate mixture of Bunyan and Milton, having "the same positive unrelenting grasp of allegory" as Bunyan, and "the same delight in art for art's sake, that added such a grace to Milton's sinewy and large-limbed port"; and further, that "Bunyan's characters being moods," Milton's "were traits," and that if one were to "pour the *ebullient undulating* prose style of the poet into the allegorist's firm leather-jerkined English," "the result would not be alien to Hawthorne"!

Ebullient undulations in a leather-jerkined style is not a pretty picture; but we pass on to the description of Salem, where Mr. Lathrop mentions with interest that he has heard that "persons have gone mad from no other cause than inherited insanity," — a singularity manifestly peculiar to Salem, which Dr. Maudsley should note in his next edition. Mr. Hawthorne's ancestry, of a good New England sort, is described with some detail; the early death of his father, and Hawthorne's removal with his mother to Cumberland County in Maine, where he remained till 1821, when he entered Bowdoin College at the same time with Longfellow. Extracts from a mysterious note-book relating to this time are given by Mr. Lathrop; but his investigations into their authenticity amount only to this, — that either Hawthorne did write them or he did not; that if he did, they have a certain interest; if he did not, they are of no value; but Mr. Lathrop has not arrived at a conclusion.

Mr. Lathrop notes the remarkable fact that, being blamed while at Bowdoin for the fault of another person, Hawthorne did *not* denounce his classmate; he tells us the length of Mr. Hawthorne's foot; he draws youthful verses from their appropriate oblivion; he tells us that Mr. Hawthorne's inability to distinguish one tune from another was owing "*merely* to the absence of any musical instinct";

that his genius had "a pensive perfume," and at the same time "a perfume of surprise," and bids us "be grateful that Hawthorne does not so covet the applause of the clever club-man, or of the unconscious vulgarian, as to junket about in caravan, carrying the passions with him in gaudy cages and feeding them with raw flesh." Strewing his way with such flowers of style, Mr. Lathrop finally lands his subject "on a plane between Shakespeare and Goethe," and, to borrow the tag of an old story, "There — my lord — I leave you."

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